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No. 30

House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. PEARCE).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 14, 2005.

I hereby appoint the Honorable STEVAN PEARCE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Michigan (Mr. McCOTTER) for 5 minutes.

PLANT CLOSURE IN WIXOM, MICHIGAN

Mr. McCOTTER. Mr. Speaker, these are difficult times in southeastern Michigan, where the heirs to the arsenal of democracy still manufacture the best products in the world. In fact, this weekend the Ford Motor Company announced its Wixom assembly plant will incur an employee reduction of 11 percent when its Thunderbird line ends.

While we in my district are encouraged, the affected workers will be offered other positions at other Ford fa-

cilities. We nevertheless urge Ford to provide this assembly plant a new product line and, in so doing, keep the best workers in the world working in Wixom, Michigan.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 32 minutes p.m.), the House stood in recess until 2 p.m. today.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PETRI) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

God, always just and source of goodness and life, when life and problems are overwhelming, we turn to You. Help this Nation to see clearly its next step in history. Deepen the faith of the men and women who serve in Congress that they make their moves boldly and decisively because You are with them.

In a world of heightened violence and floating anger, people conflicted and helpless need Your guidance and the witness of faithful people steeped in virtue and committed to justice. May the ultimate effect of the actions of this House secure the freedom of Your people and bring order to households and communities everywhere. We ask Your blessing now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the

last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Tennessee (Mr. COOPER) come forward and lead the House in the Pledge of Allegiance.

Mr. COOPER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

The message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 250. An act to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to improve the Act.

The message also announced that pursuant to Public Law 106-286, the Chair, on behalf of the President of the Senate, and after consultation with the Majority Leader, appoints the following Members to serve on the Congressional-Executive Commission on the People's Republic of China:

The Senator from Nebraska (Mr. HAGEL), Chairman.

The Senator from Kansas (Mr. BROWNBACK).

The Senator from Oregon (Mr. SMITH).

The Senator from South Carolina (Mr. DEMINT), and

The Senator from Florida (Mr. MARTINEZ).

The message also announced that pursuant to section 1928a-1928d of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the following Member as Vice

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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H1373

Chairman of the Senate Delegation to the North Atlantic Treaty Organization Parliamentary Assembly during the One Hundred Ninth Congress:

The Senator from Delaware (Mr. BIDEN).

The message also announced that pursuant to section 276h-276k of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the following Member as Vice Chairman of the Senate Delegation to the Mexico-United States Inter-parliamentary Group conference during the One Hundred Ninth Congress:

The Senator from Connecticut (Mr. DODD).

The message also announced that pursuant to Public Law 106-567, as amended by section 1102, Public Law 108-458, the Chair, on behalf of the Majority Leader, appoints the following individual to serve as a member of the Public Interest Declassification Board:

Joan Vail Grimson of Virginia.

IN MEMORY OF BETTY EASLER

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, this afternoon the people of South Carolina honor the late Betty Easler with a memorial service at Asbury Memorial United Methodist Church in Columbia.

Betty was a graduate of Dreher High School, and she received undergraduate and masters degrees at the University of South Carolina.

Betty selflessly and tirelessly advocated for persons with disabilities and special needs and their families. She served as a counselor at the Department of Vocational Rehabilitation. She was executive director of the office of the Governor's Development Disabilities Council for Governor Carroll A. Campbell.

Betty was executive director of Protection and Advocacy for People with Disabilities and was employed as case manager for Intracorp, a division of Cigna Insurance Company.

All of this was achieved although she was born with spina bifida and was for a lifetime in a wheelchair.

In conclusion, God bless our troops. And we will never forget September 11.

RESTRAINING SPENDING

(Mr. COOPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COOPER. Mr. Speaker, President Bush says he wants to restrain spending. But regardless of the budget that the House passes this week, President Bush has never used his two constitutional powers to restrain spending. Number one, the big veto: he has never used it. He is the first President since James Garfield in 1881 never to use the veto. And poor President Garfield was

only in office for 6 months. President Bush is now in his fifth year of his Presidency.

Secondly, the little veto: I wrote an article on this in the New York Times last Friday. The rescission power. All President Bush needs is a majority of House and Senate Republicans to support his spending cuts, and he can cut anything in the Federal Government that he wants to. The rescission power is filibuster-proof. He does not need 60 votes in the Senate. He has Fast Track pressure on Congress to respond, but he has never used that little veto power either.

President Clinton used it 163 times. When has President Bush ever used either the big veto power or the little veto power? The American public needs to know.

SOCIAL SECURITY

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of Georgia. Mr. Speaker, Social Security was an innovative program back in 1940 when the first Social Security recipient, Ida May Fuller, opened her mailbox to find a check from Uncle Sam. To Americans back then, the Social Security program was a dream come true and real security.

For every Ida May Fuller, there were 42 younger workers contributing to their retirement; 42 workers for every retiree.

Now let us fast forward to today. Under the current system, your payroll taxes are immediately used to pay the benefits for today's retirees. This pay-as-you-go system works when many people are paying in and fewer are collecting benefits.

But today seniors are living longer and collecting more benefits. As a result, there are fewer workers paying into the system per retiree; 3.3 to be exact. And in the near future, there will be fewer than two workers per retiree.

Mr. Speaker, if we do not fix the system now, the only thing our children and grandchildren will receive in their mailbox is a giant IOU. Let us work together to provide real security for all Americans. The time to act is now.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON WAYS AND MEANS

The SPEAKER pro tempore laid before the House the following communication from the Honorable BILL THOMAS, Chairman, Committee on Ways and Means:

COMMITTEE ON WAYS AND MEANS,
LONGWORTH HOUSE OFFICE BUILDING,
Washington, DC, February 7, 2005.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
U.S. Capitol, Washington, DC.

DEAR MR. SPEAKER: I am forwarding to you the Committee's recommendations for certain positions for the 109th Congress.

First, pursuant to Section 8002 of the Internal Revenue Code of 1986, the Committee designated the following Members to serve on the Joint Committee on Taxation: Mr. Thomas, Mr. Shaw, Mrs. Johnson, Mr. Rangel, and Mr. Stark.

Second, pursuant to Section 161 of the Trade Act of 1974, the Committee recommended the following Members to serve as official advisors for international conference meetings and negotiating sessions on trade agreements: Mr. Thomas, Mr. Shaw, Mr. Herger, Mr. Rangel, and Mr. Cardin.

Third, pursuant to House Rule X, Clause 5(a)(2)(A)(i), the Committee designated the following Members to serve on the Committee on the Budget: Mr. Portman, Mr. Ryan, Mr. Hulshof, Mr. Neal, and Mr. Jefferson.

Best regards,

BILL THOMAS,
Chairman.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to section 161(a) of the Trade Act of 1974 (19 U.S.C. 2211), and the order of the House of January 4, 2005, the Chair announces the Speaker's appointment of the following Members of the House as congressional advisers on trade policy and negotiations:

Mr. THOMAS, California,
Mr. SHAW, Florida,
Mr. HERGER, California,
Mr. RANGEL, New York and
Mr. CARDIN, Maryland.

IN REMEMBRANCE OF CHARLES R. BAXTER

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, it is my sad duty to report to the House that we lost a pioneer in medicine this weekend down in Dallas: Dr. Charles Baxter, a surgeon whose research in clinical skills saved thousands of lives over the years.

Dr. Baxter will be remembered for a lot of things back home, not the least of which was his treatment of a severely burned patient and his introduction of very aggressive fluid management in the initial hours after the burn had occurred, saving countless patients from going into acute renal failure, dealing with what was then one of the principal causes of death in the severely burned patient.

It was reported in the newspaper this weekend that Dr. Baxter, in an effort one time to bring the spirits up of a young 8-year-old girl who had been burned over 92 percent of her body, brought an Airedale puppy into the burn unit at Parkland. He scrubbed it down with antibacterial cleanser and brought the girl a new reason to continue on in her struggle to recover from her burn.

I remember Dr. Baxter when I was a resident down in the operating room. He had a heart attack a few days before, but was down there in the wheelchair in the surgery office barking out

orders to his residents at the surgery board to keep them on schedule.

And, of course, the country remembers Dr. Baxter. From that terrible day in November of 1963, Dr. Baxter was the head of the emergency room when John Kennedy was brought into the facility at Parkland Hospital.

Mr. Speaker, all of us in Dallas and across the country mourn the passing of Dr. Baxter, and our thoughts and prayers will be with his family during this time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

ADJUSTING THE NUMBER OF FREE ROAMING HORSES PERMITTED IN CAPE LOOKOUT NATIONAL SEASHORE

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 126) to amend Public Law 89-366 to allow for an adjustment in the number of free roaming horses permitted in Cape Lookout National Seashore.

The Clerk read as follows:

H.R. 126

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADJUSTMENT IN NUMBER OF FREE ROAMING HORSES PERMITTED IN CAPE LOOKOUT NATIONAL SEA- SHORE, NORTH CAROLINA.

(a) IN GENERAL.—The first subsection (b) of section 5 of Public Law 89-366 (16 U.S.C. 459g-4) is amended—

(1) in paragraph (1), by striking “100 free roaming horses” and inserting “not less than 110 free roaming horses, with a target population of between 120 and 130 free roaming horses.”;

(2) in paragraph (3), by striking subparagraph (B) and inserting the following new subparagraph:

“(B) unless removal is carried out as part of a plan to maintain the viability of the herd; or”;

(3) in paragraph (5), by striking “100” and inserting “110”.

(b) REPEAL OF DUPLICATE SUBSECTION.—Section 5 of Public Law 89-366 is further amended—

(1) in subsection (a), by striking “(a)” after “(a)”;

(2) by striking the second subsection (b).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. JONES) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. JONES).

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that

all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 126, introduced by me, would allow for the adjustment in the number of free-roaming horses permitted in the Cape Lookout National Seashore. Specifically, H.R. 126 would permit the number of free-roaming horses to increase to 110 from its current level of 100, with a targeted population between 120 and 130 horses, and would not permit the removal of the horses unless the removal is carried out as part of a plan to maintain the viability of the herd.

H.R. 126 is identical to legislation that was supported by the majority and minority and passed the House of Representatives during the 108th Congress. I urge adoption of the bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, as the majority has explained, H.R. 126 makes a number of slight adjustments in the management of the herd as a means to assure their long-term survival.

Over the course of the last several hundred years, a herd of wild horses has established itself on the Shackleford Banks area of Cape Lookout, North Carolina. The herd developed on the banks because of shipwrecks and abandonment. When the National Seashore was established, there were approximately 100 wild horses on the barrier island. Since that time, the National Park Service has taken steps to control the herd size to prevent damage to park resources.

Mr. Speaker, H.R. 126 is a workable solution to the wild-horse management needs at Cape Lookout, and we support adoption of this legislation by the House today.

Mr. Speaker, I yield back the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and pass the bill, H.R. 126.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

LLAGAS RECLAMATION GROUND- WATER REMEDIATION INITIA- TIVE

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 186) to authorize the Secretary of the Interior, acting through the Bureau of Reclamation and in coordination with other Federal, State, and local government agencies, to participate in the funding and implementation of a balanced, long-term groundwater remediation program in California, and for other purposes, as amended.

The Clerk read as follows:

H.R. 186

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Llagas Reclamation Groundwater Remediation Initiative”.

SEC. 2. DEFINITIONS.

For the purposes of this Act:

(1) GROUNDWATER REMEDIATION.—The term “groundwater remediation” means actions that are necessary to prevent, minimize, or mitigate damage to groundwater.

(2) LOCAL WATER AUTHORITY.—The term “local water authority” means the Santa Clara Valley Water District.

(3) REMEDIATION FUND.—The term “Remediation Fund” means the California Basins Groundwater Remediation Fund established pursuant to section 3(a).

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SEC. 3. CALIFORNIA BASINS REMEDIATION.

(a) CALIFORNIA BASINS REMEDIATION.—

(1) ESTABLISHMENT OF REMEDIATION FUND.—There shall be established within the Treasury of the United States an interest bearing account to be known as the California Basins Groundwater Remediation Fund.

(2) ADMINISTRATION OF REMEDIATION FUND.—The Remediation Fund shall be administered by the Secretary of the Interior, acting through the Bureau of Reclamation. The Secretary shall administer the Remediation Fund in cooperation with the local water authority.

(3) PURPOSES OF REMEDIATION FUND.—

(A) IN GENERAL.—Subject to subparagraph (B), the amounts in the Remediation Fund, including interest accrued, shall be used by the Secretary to provide grants to the local water authority to reimburse the local water authority for the Federal share of the costs associated with designing and constructing groundwater remediation projects to be administered by the local water authority.

(B) COST-SHARING LIMITATION.—

(i) IN GENERAL.—The Secretary may not obligate any funds appropriated to the Remediation Fund in a fiscal year until the Secretary has deposited into the Remediation Fund an amount provided by non-Federal interests sufficient to ensure that at least 35 percent of any funds obligated by the Secretary for a project are from funds provided to the Secretary for that project by the non-Federal interests.

(ii) NON-FEDERAL RESPONSIBILITY.—Each local water authority shall be responsible for providing the non-Federal amount required by clause (i) for projects under that local water authority. The State of California, local government agencies, and private entities may provide all or any portion of the non-Federal amount.

(iii) CREDITS TOWARD NON-FEDERAL SHARE.—For purposes of clause (ii), the Secretary

shall credit the appropriate local water authority with the value of all prior expenditures by non-Federal interests made after January 1, 2000, that are compatible with the purposes of this section, including—

(I) all expenditures made by non-Federal interests to design and construct groundwater remediation projects, including expenditures associated with environmental analyses and public involvement activities that were required to implement the groundwater remediation projects in compliance with applicable Federal and State laws; and

(II) all expenditures made by non-Federal interests to acquire lands, easements, rights-of-way, relocations, disposal areas, and water rights that were required to implement a groundwater remediation project.

(b) COMPLIANCE WITH APPLICABLE LAW.—In carrying out the activities described in this section, the Secretary shall comply with any applicable Federal and State laws.

(c) RELATIONSHIP TO OTHER ACTIVITIES.—Nothing in this section shall be construed to affect other Federal or State authorities that are being used or may be used to facilitate remediation and protection of the Llagas groundwater subbasin. In carrying out the activities described in this section, the Secretary shall integrate such activities with ongoing Federal and State projects and activities. None of the funds made available for such activities pursuant to this section shall be counted against any Federal authorization ceiling established for any previously authorized Federal projects or activities.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Remediation Fund \$25,000,000. Subject to the limitations in section 4, such funds shall remain available until expended.

SEC. 4. SUNSET OF AUTHORITY.

This Act—

(1) shall take effect on the date of the enactment of this Act; and

(2) is repealed effective as of the date that is 10 years after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. JONES) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. JONES).

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

This legislation, authored by the gentleman from California (Mr. POMBO), distinguished chairman of the Committee on Resources, helps remediate the groundwater basin in Santa Clara, California.

Chemicals, such as perchlorate, have been detected in over 500 wells around the communities of Morgan Hill and San Martin, California. As a result, more than 1,000 residents are now being supplied with bottled water.

This bill provides a long-term solution to this growing problem. H.R. 186 would provide up to \$25 million in Federal funding to clean up groundwater near these communities over a 10-year period.

□ 1415

This funding mechanism is based on a practical working model currently under way in the San Gabriel Basin in southern California. Everyone agrees on the need for safe drinking water for our communities. This bill reflects this consensus and puts words into real action. I urge my colleagues to support this important bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, we support passage of H.R. 186, which will provide financial assistance for cleaning up contaminated drinking water supplies in the Santa Clara Valley area of southern California. I appreciate the support of the leadership demonstrated by the gentleman from California (Mr. POMBO) on this important matter.

Mr. Speaker, I yield back the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and pass the bill, H.R. 186, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

DEPARTMENT OF THE INTERIOR VOLUNTEER RECRUITMENT ACT OF 2005

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 584) to authorize the Secretary of the Interior to recruit volunteers to assist with, or facilitate, the activities of various agencies and offices of the Department of the Interior.

The Clerk read as follows:

H.R. 584

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of the Interior Volunteer Recruitment Act of 2005".

SEC. 2. PURPOSE.

The purpose of this Act is to authorize the Secretary of the Interior to recruit and use volunteers to assist with, or facilitate, the

programs of the Bureau of Indian Affairs, the United States Geological Survey, the Bureau of Reclamation, and the Office of the Secretary.

SEC. 3. VOLUNTEER AUTHORITY.

(a) IN GENERAL.—The Secretary of the Interior may recruit, train, and accept, without regard to the civil service classification laws, rules, or regulations, the services of individuals, contributed without compensation as volunteers, for aiding in or facilitating the activities administered by the Secretary through the Bureau of Indian Affairs, the United States Geological Survey, the Bureau of Reclamation, and the Office of the Secretary.

(b) RESTRICTIONS ON ACTIVITIES OF VOLUNTEERS.—

(1) IN GENERAL.—In accepting such services of individuals as volunteers, the Secretary shall not permit the use of volunteers in law enforcement work, in regulatory and enforcement work, in policymaking processes, or to displace any employee.

(2) PRIVATE PROPERTY.—No volunteer services authorized by this Act may be conducted on private property unless the officer or employee charged with supervising the volunteer obtains appropriate consent to enter the property from the property owner.

(3) HAZARDOUS DUTY.—The Secretary may accept the services of individuals in hazardous duty only upon a determination by the Secretary that such individuals are skilled in performing hazardous duty activities.

(4) SUPERVISION.—The Secretary shall ensure that an appropriate officer or employee of the United States provides adequate and appropriate supervision of each volunteer whose services the Secretary accepts.

(c) PROVISION OF SERVICES AND COSTS.—The Secretary may provide for services and costs incidental to the utilization of volunteers, including transportation, supplies, uniforms, lodging, subsistence (without regard to place of residence), recruiting, training, supervision, and awards and recognition (including nominal cash awards).

(d) FEDERAL EMPLOYMENT STATUS OF VOLUNTEERS.—

(1) Except as otherwise provided in this subsection, a volunteer shall not be deemed a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those provisions relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

(2) Volunteers shall be deemed employees of the United States for the purposes of—

(A) the tort claims provisions of title 28, United States Code;

(B) subchapter I of chapter 81 of title 5, United States Code; and

(C) claims relating to damage to, or loss of, personal property of a volunteer incident to volunteer service, in which case the provisions of section 3721 of title 31, United States Code, shall apply.

(3) Volunteers under this Act shall be subject to chapter 11 of title 18, United States Code, unless the Secretary, with the concurrence of the Director of the Office of Government Ethics, determines in writing published in the Federal Register that the provisions of that chapter, except section 201, shall not apply to the actions of a class or classes of volunteers who carry out only those duties or functions specified in the determination.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. JONES) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. JONES).

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 584.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 584, introduced by the gentleman from California (Mr. POMBO), would authorize the Secretary of the Interior to establish voluntary programs in the Bureau of Indian Affairs, the U.S. Geological Survey, the Bureau of Reclamation and the Office of the Secretary. With this authority, these four bureaus would be able to parallel the successful volunteer programs in the National Park Service and the U.S. Fish and Wildlife Service to recruit volunteers to assist with or facilitate the activities within the agencies.

Over 200,000 volunteers annually serve as campground hosts, clear trails, help with seasonal bird surveys, collect new information for maps and assist with many other day-to-day activities. Simply put, volunteers provide the Department of the Interior vital services to help it meet its mission responsibilities. Volunteer programs within the Department also provide outstanding opportunities for community service and public involvement in conservation programs.

H.R. 584 is identical to legislation that was supported by the majority and minority and passed the House of Representatives with a voice vote during the 108th Congress. I urge adoption of the bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, the majority has explained the purpose of this legislation which the gentleman from California (Mr. POMBO) introduced at the administration's request. The gentleman from California (Mr. POMBO) succeeded in moving this legislation through the House during the last Congress, including several changes made at the request of the minority. We appreciate the chairman's decision to include those changes in H.R. 584 as well, and urge our colleagues to support this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and pass the bill, H.R. 584.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

DIRECTING SECRETARY OF THE INTERIOR TO CONVEY CERTAIN LAND HELD IN TRUST FOR PAIUTE INDIAN TRIBE OF UTAH TO CITY OF RICHFIELD, UTAH

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 680) to direct the Secretary of the Interior to convey certain land held in trust for the Paiute Indian Tribe of Utah to the City of Richfield, Utah, and for other purposes.

The Clerk read as follows:

H.R. 680

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAND CONVEYANCE TO CITY.

(a) AUTHORIZATION FOR CONVEYANCE.—Not later than 90 days after the Secretary receives a request from the Tribe and the City to convey all right, title, and interest of the United States and the Tribe in and to the Property to the City, the Secretary shall take the Property out of trust status and convey the Property to the City.

(b) TERMS AND CONDITIONS.—The conveyance under subsection (a) shall be subject to the following conditions:

(1) TRIBAL RESOLUTION.—Prior to conveying the Property under subsection (a), the Secretary shall ensure that the terms of the sale have been approved by a tribal resolution of the Tribe.

(2) CONSIDERATION.—Consideration given by the City for the Property shall be not less than the appraised fair market value of the Property.

(3) NO FEDERAL COST.—The City shall pay all costs related to the conveyance authorized under this section.

(c) PROCEEDS OF SALE.—The proceeds from the conveyance of the Property under this section shall be given immediately to the Tribe.

(d) FAILURE TO MAKE CONVEYANCE.—If after the Secretary takes the Property out of trust status pursuant to subsection (a) the City or the Tribe elect not to carry out the conveyance under that subsection, the Secretary shall take the Property back into trust for the benefit of the Tribe.

SEC. 2. TRIBAL RESERVATION.

Land acquired by the United States in trust for the Tribe after February 17, 1984, shall be part of the Tribe's reservation.

SEC. 3. TRUST LAND FOR SHIVWITS OR KANOSH BANDS.

If requested to do so by a tribal resolution of the Tribe, the Secretary shall take land held in trust by the United States for the benefit of the Tribe out of such trust status and take that land into trust for the Shivwits or Kanosh Bands of the Paiute Indian Tribe of Utah, as so requested by the Tribe.

SEC. 4. CEDAR BAND OF PAIUTES TECHNICAL CORRECTION.

The Paiute Indian Tribe of Utah Restoration Act (25 U.S.C. 761) is amended by strik-

ing "Cedar City" each place it appears and inserting "Cedar". Any reference in a law, map, regulation, document, paper, or other record of the United States to the "Cedar City Band of Paiute Indians" shall be deemed to be a reference to the "Cedar Band of Paiute Indians".

SEC. 5. DEFINITIONS.

For the purposes of this Act:

(1) CITY.—The term "City" means the City of Richfield, Utah.

(2) PROPERTY.—The term "Property" means the parcel of land held by the United States in trust for the Paiute Indian Tribe of Utah located in Section 2, Township 24 South, Range 3 West, Salt Lake Base and Meridian, Sevier County, Utah and more particularly described as follows: Beginning at a point on the East line of the Highway which is West 0.50 chains, more or less, and South 8° 21' West, 491.6 feet from the Northeast Corner of the Southwest Quarter of Section 2, Township 24 South, Range 3 West, Salt Lake Base and Meridian, and running thence South 81° 39' East, perpendicular to the highway, 528.0 feet; thence South 26° 31' West, 354.6 feet; thence North 63° 29' West, 439.3 feet to said highway; thence North 8° 21' East, along Easterly line of said highway 200.0 feet to the point of beginning, containing 3.0 acres more or less.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) TRIBE.—The term "Tribe" means the Paiute Indian Tribe of Utah.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. JONES) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. JONES).

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 680.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 680 is sponsored by the gentleman from Utah (Mr. CANNON). The legislation authorizes the Secretary of the Interior to take a three-acre parcel of land owned by the Paiute Indian Tribe out of trust so that the tribe can sell it to the City of Richfield, Utah. The land would be sold only on a willing seller's basis for fair market value and would be used by the city to expand its municipal airport.

The bill also authorizes the Secretary to transfer three parcels of trust land to two of the Tribe's constituent bands. The parcels, each of which is one acre or less, will remain in trust for the benefit of the individual bands.

Finally, H.R. 680 changes the name of the Cedar City Band of Paiute Indians of Utah to the Cedar Band of Paiute Indians of Utah.

The tribe and all local entities support the bill. An identical version of this bill was passed in the House on October 10, 2004, but no action occurred in

the Senate before the Congress adjourned.

I urge the adoption of this non-controversial bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, as Congressional action is required for lands in trust to be sold and the Paiute Indian Tribe of Utah has contacted us for assistance, we are supportive of authorizing the Secretary to convey these lands as directed by the Tribe. We support the Tribe's sovereign decision to sell these lands and wish them the best in further economic development.

We urge our colleagues to support H.R. 680.

Mr. Speaker, I yield back the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and pass the bill, H.R. 680.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

NEVADA NATIONAL FOREST LAND DISPOSAL ACT OF 2005

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 816) to direct the Secretary of Agriculture to sell certain parcels of National Forest System land in Carson City and Douglas County, Nevada.

The Clerk read as follows:

H.R. 816

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nevada National Forest Land Disposal Act of 2005".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) The United States owns, and the Forest Service administers, land in small and large parcels in Carson City and Douglas County, Nevada.

(2) Much of this Federal land is interspersed with or adjacent to private land, which renders the Federal land difficult, inefficient, and expensive for the Forest Service to manage and more appropriate for disposal.

(3) In order to promote responsible and orderly development in Carson City and Douglas County, Nevada, appropriate parcels of the Federal land should be sold by the Federal Government based on recommendations made by units of local government and the public.

(b) PURPOSE.—The purpose of this Act is to provide for the sale of certain parcels of National Forest System land in Carson City and Douglas County, Nevada.

SEC. 3. DISPOSAL OF NATIONAL FOREST SYSTEM LANDS, CARSON CITY AND DOUGLAS COUNTY, NEVADA.

(a) DISPOSAL REQUIRED.—The Secretary of Agriculture (in this section referred to as the "Secretary") shall sell any right, title, or interest of the United States in and to the following parcels of National Forest System lands in Carson City or Douglas County, Nevada:

(1) The parcel of land referred to as the "Carson Parcel", consisting of approximately 3 acres, and more particularly described as being a portion of the southeast quarter, section 31, township 15 north, range 20 east, Mount Diablo Base and Meridian.

(2) The parcel of land referred to as the "Jacks Valley/Highway 395 Parcel", consisting of approximately 28 acres, and more particularly described as being a portion of the northwest quarter of the southeast quarter, section 6, township 14 north, range 20 east, Mount Diablo Base and Meridian.

(3) The parcel of land referred to as the "Indian Hills Parcel", consisting of approximately 75 acres, and more particularly described as being a portion of the southwest quarter, section 18, township 14 north, range 20 east, Mount Diablo Base and Meridian.

(4) The parcel of land referred to as the "Mountain House Area Parcel", consisting of approximately 40 acres, and more particularly described as being a portion of the northwest quarter of the northeast quarter, section 12, township 10 north, range 21 east, Mount Diablo Base and Meridian.

(5) The parcel of land referred to as the "Holbrook Junction Area Parcel", consisting of approximately 80 acres, and more particularly described as being a portion of the west half of the southwest quarter, section 7, township 10 north, range 22 east, Mount Diablo Base and Meridian.

(6) The two parcels of land referred to as the "Topaz Lake Parcels", consisting of approximately 5 acres (approximately 2.5 acres per parcel), and more particularly described as being portions of the northwest quarter, section 29, township 10 north, range 22 east, Mount Diablo Base and Meridian.

(b) MODIFICATION OF DESCRIPTIONS.—The Secretary may—

(1) correct typographical or clerical errors in the descriptions of land specified in subsection (a); and

(2) for the purposes of soliciting offers for the sale of such land, modify the descriptions based on—

(A) a survey; or

(B) a determination by the Secretary that the modification is in the best interest of the public.

(c) SELECTION AND SALE.—

(1) COORDINATION.—The Secretary shall coordinate the sale of land under this section with the unit of local government in which the land is located.

(2) EXISTING RIGHTS.—The sale of land under this section shall be subject to all valid existing rights, such as rights-of-way, in effect as of the date of the sale. In the case of the parcel described in subsection (a)(2), all access rights in and to United States Highway 395, together with any and all abutter's rights adjacent to the westerly right-of-way line of such highway, within the parcel shall be restricted.

(3) ZONING LAWS.—The sale of land under this section shall be in accordance with local land use planning and zoning laws and regulations.

(4) SOLICITATIONS OF OFFERS.—The Secretary shall solicit offers for the sale of land under this section, subject to any terms or

conditions that the Secretary may prescribe. The Secretary may reject any offer made under this section if the Secretary determines that the offer is not adequate or not in the public interest.

(5) METHOD OF SALE.—The Secretary shall sell the land described in subsection (a) at public auction.

(d) DISPOSITION OF PROCEEDS.—

(1) PAYMENTS AND DEPOSITS.—Of the gross proceeds from any sale of land under this section, the Secretary shall—

(A) pay five percent to the State of Nevada for use for the general education program of the State;

(B) pay five percent to the Carson Water Subconservancy District in the State;

(C) deposit 25 percent in the fund established under Public Law 90-171 (commonly known as the "Sisk Act"; 16 U.S.C. 484a); and

(D) retain and use, without further appropriation, the remaining funds for the purpose of expanding the Minden Interagency Dispatch Center in Minden, Nevada, as provided in paragraph (3).

(2) USE OF SISK ACT FUNDS.—The amounts deposited under paragraph (1)(C) shall be available to the Secretary until expended, without further appropriation, for the following purposes:

(A) Reimbursement of costs incurred by the local offices of the Forest Service in carrying out land sales under this section, except that the total amount of reimbursement may not exceed 10 percent of the total proceeds of the lands sales.

(B) The development and maintenance of parks, trails, and natural areas in Carson City, Douglas County, or Washoe County, Nevada, in accordance with a cooperative agreement entered into with the unit of local government in which the park, trail, or natural area is located.

(3) MINDEN INTERAGENCY DISPATCH CENTER.—The Minden Interagency Dispatch Center is located on land made available by the State of Nevada in Minden, Nevada, and will serve as a joint facility for the Forest Service and the Nevada Division of Forestry for the purpose of fighting wildland fires. The expansion of the center shall include living quarters and office space for the Blackmountain Hotshot Crew, a guard station for housing engines and patrol vehicles, an air traffic control tower, a training facility, and a warehouse.

(4) LIMITATION.—None of the amounts made available to the Carson Water Subconservancy District under paragraph (1)(B) shall be used to pay the costs of litigation.

(e) RELATION TO OTHER PROPERTY MANAGEMENT LAWS.—The land described in subsection (a) shall not be subject to chapter 5 of title 40, United States Code.

(f) WITHDRAWAL.—Subject to valid existing rights, all Federal land described in subsection (a) is withdrawn from location, entry, and patent under the public land laws, mining laws, and mineral leasing laws, including geothermal leasing laws.

(g) REVOCATION OF PUBLIC LAND ORDERS.—

(1) IN GENERAL.—To facilitate the sale of parcels of land described in subsection (a), the Secretary shall revoke any public land orders in existence on the date of the enactment of this Act that withdraw the parcels from all forms of appropriation under the public land laws, to the extent that the orders apply to land described in such subsection (a).

(2) EFFECTIVE DATE.—A revocation under paragraph (1) shall be effective on the date on which the instrument conveying the parcels of land subject to the public land order is executed.

(h) REPORT.—The Secretary shall submit to the Committee on Agriculture and the Committee on Resources of the House of

Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an annual report on all land sales made under this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. JONES) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. JONES).

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 816.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. JONES of North Carolina. Mr. Speaker, I yield such time as he may consume to the gentleman from Nevada (Mr. GIBBONS), the author of this bill.

Mr. GIBBONS. Mr. Speaker, to my friend and colleague, the gentleman from North Carolina (Mr. JONES), I want to thank him for his courtesy in granting me time to rise today in support of the legislation I introduced, H.R. 816, the Nevada National Forest Disposal Act.

Mr. Speaker, Nevada has a unique relationship with the Federal Government, because 91.9 percent of the land within that State is either federally owned or federally controlled. As a native and a public servant of this great State, I am committed to promoting sensible land management policies that allow for responsible economic development, while protecting our precious natural resources and scenic vistas. My bill, the Nevada National Forest Disposal Act, is a model for such development.

The bill provides for the sale of six small tracts of land at public auction for fair market value. The sale of this land will allow responsible planning and economic development in Carson City and Douglas County.

These parcels of land, Mr. Speaker, are land that are not pristine forest lands. In fact, there is barely any vegetation at all that can be found on these lots. The parcels are small tracts of land, each bordered by private lands on at least two sides, either within residential areas or next to a highway.

The Forest Service faces many challenges when it comes to managing these lots, and because of the nature of their location they are simply magnets for trash. I think we can all agree that the Forest Service should not have to divert resources away from their mission to deal with small tracts of land that often become an unfortunate dumping ground for a community.

Developing these lands, Mr. Speaker, would benefit the community by providing more economic opportunity and removing what some find to be an eye-

sore amidst commercial and residential areas, certainly not pristine forest land.

The proceeds of this land sale benefit the community, the State of Nevada and the Forest Service. Sixty-five percent of the proceeds from the land being sold will go to fund an inter-agency wildland fire suppression center. This center will help to protect the wildland-urban interface that surrounds the community. Twenty-five percent of the proceeds goes to the Forest Service to be used for development and maintenance of parks, trails and natural areas in the Carson City, Douglas County and Washoe County areas. Of the remaining 10 percent of the revenue, 5 percent will go to Nevada's general education fund and 5 percent will go to the Carson Water Subconservancy District.

Mr. Speaker, this is sound public policy. It is sound public land management policy for the Federal Government to dispose of tracts of land such as these that do not warrant Federal protection and use the revenue to manage vital areas of Federal ownership. This particular land disposal is important to the State of Nevada. It is supported by the community, and I urge my colleagues to support it.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, as my distinguished colleague the gentleman from Nevada (Mr. GIBBONS) has explained, this legislation provides for the disposal of specific forest lands in Nevada and specifies the uses of those funds from the sale of these lands.

The gentleman from California (Chairman POMBO) succeeded in moving this legislation through the House during the last Congress. We do not object to the passage of this legislation at this time.

Mr. Speaker, I yield back the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and pass the bill, H.R. 816.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CREATING OFFICE OF CHIEF FINANCIAL OFFICER OF GOVERNMENT OF VIRGIN ISLANDS

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 62) to create the Office of Chief Financial Officer of the Government of the Virgin Islands, and for other purposes.

The Clerk read as follows:

H.R. 62

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHIEF FINANCIAL OFFICER OF THE VIRGIN ISLANDS.

(a) APPOINTMENT OF CHIEF FINANCIAL OFFICER.—

(1) IN GENERAL.—The Governor of the Virgin Islands shall appoint a Chief Financial Officer, with the advice and consent of the Legislature of the Virgin Islands, from the names on the list required under section 2(d). If the Governor has nominated a person for Chief Financial Officer but the Legislature of the Virgin Islands has not confirmed a nominee within 90 days after receiving the list pursuant to section 2(d), the Governor shall appoint from such list a Chief Financial Officer on an acting basis until the Legislature consents to a Chief Financial Officer.

(2) ACTING CHIEF FINANCIAL OFFICER.—If a Chief Financial Officer has not been appointed under paragraph (1) within 180 days after the date of the enactment of this Act, the Virgin Islands Chief Financial Officer Search Commission, by majority vote, shall appoint from the names on the list submitted under section 2(d), an Acting Chief Financial Officer to serve in that capacity until a Chief Financial Officer is appointed under the first sentence of paragraph (1). In either case, if the Acting Chief Financial Officer serves in an acting capacity for 180 consecutive days, without further action the Acting Chief Financial Officer shall become the Chief Financial Officer.

(b) TRANSFER OF FUNCTIONS.—

(1) IN GENERAL.—Upon the appointment of a Chief Financial Officer under subsection (a), the functions of the Director of the Office of Management and Budget established under the laws of the Virgin Islands shall be transferred to the Chief Financial Officer. All employees of the Office of Management and Budget become employees of the Office of the Chief Financial Officer.

(2) DOCUMENTS PROVIDED.—The heads of each department of the Government of the Virgin Islands, in particular the head of the Department of Finance of the Virgin Islands and the head of the Internal Revenue Bureau of the Virgin Islands shall provide all documents and information under the jurisdiction of that head that the Chief Financial Officer considers required to carry out his or her functions to the Chief Financial Officer.

(c) DUTIES OF CHIEF FINANCIAL OFFICER.—The duties of the Chief Financial Officer shall include the following:

(1) Assume the functions and authority of the office of the Office of Management and Budget established under the laws of the Virgin Islands as transferred under subsection (b).

(2) Develop a report on the financial status of the Government of the Virgin Islands not later than 6 months after appointment and quarterly thereafter. Such reports shall be available to the public and shall be submitted to the Committee on Resources in the House of Representatives and the Committee on Energy and Natural Resources in the Senate.

(3) Each year certify spending limits of the annual budget and whether or not the annual budget is balanced.

(4) Monitor operations of budget for compliance with spending limits, appropriations, and laws, and direct adjustments where necessary.

(5) Develop standards for financial management, including inventory and contracting, for the government of the Virgin Islands in

general and for each agency in conjunction with the agency head.

(6) Oversee all aspects of the implementation of the financial management system provided pursuant to section 3 to ensure the coordination, transparency, and networking of all agencies' financial, personnel, and budget functions.

(7) Provide technical staff to the Governor and legislature of the Virgin Islands for development of a deficit reduction and financial recovery plan.

(d) DEPUTY CHIEF FINANCIAL OFFICER.—Until the date that is 5 years after the date of the enactment of this Act, the position of the Director of the Office of Management and Budget of the Virgin Islands shall—

(1) have the duties, salary (as specified in subsection (f)(3)), and other conditions of the Deputy Chief Financial Officer in lieu of the duties, salary, and other conditions of the Director of the Office of Management and Budget of the Virgin Islands as such functions existed before the appointment of the Chief Financial Officer; and

(2) assist the Chief Financial Officer in carrying out the duties of the Chief Financial Officer.

(e) CONDITIONS RELATED TO CHIEF FINANCIAL OFFICER.—

(1) TERM.—The Chief Financial Officer shall be appointed for a term of 5 years.

(2) REMOVAL.—The Chief Financial Officer shall not be removed except for cause. An Acting Chief Financial Officer may be removed for cause or by a Chief Financial Officer appointed with the advice and consent of the Legislature of the Virgin Islands.

(3) REPLACEMENT.—If the Chief Financial Officer is unable to continue acting in that capacity due to removal, illness, death, or otherwise, another Chief Financial Officer shall be selected in accordance with subsection (a).

(4) SALARY.—The Chief Financial Officer shall be paid at a salary to be determined by the Governor of the Virgin Islands, except such rate may not be less than the highest rate of pay for a cabinet officer of the Government of the Virgin Islands or a Chief Financial Officer serving in any government or semi autonomous agency.

(f) CONDITIONS RELATED TO DEPUTY CHIEF FINANCIAL OFFICER.—

(1) TERM; REMOVAL.—The Deputy Chief Financial Officer shall serve at the pleasure of the Chief Financial Officer.

(2) REPLACEMENT.—If the Deputy Chief Financial Officer is unable to continue acting in that capacity due to removal, illness, death, or otherwise, another person shall be selected by the Governor of the Virgin Islands to serve as Deputy Chief Financial Officer.

(3) SALARY.—The Deputy Chief Financial Officer shall be paid at a salary to be determined by the Chief Financial Officer, except such rate may not be less than the rate of pay of the Director of the Office of Management and Budget.

(g) RESUMPTION OF FUNCTIONS.—On the date that is 5 years after the date of the enactment of this Act, the functions of the Chief Financial Officer shall be transferred to the Director of the Office of Management and Budget of the Virgin Islands.

(h) SUNSET.—This section shall cease to have effect after the date that is 5 years after the date of the enactment of this Act.

SEC. 2. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the "Virgin Islands Chief Financial Officer Search Commission".

(b) DUTY OF COMMISSION.—The Commission shall recommend to the Governor not less than 3 candidates for nomination as Chief Fi-

ancial Officer of the Virgin Islands. Each candidate must have demonstrated ability in general management of, knowledge of, and extensive practical experience at the highest levels of financial management in governmental or business entities and must have experience in the development, implementation, and operation of financial management systems. Candidates shall not have served in a policy making or unclassified position of the Government of the Virgin Islands in the 10 years immediately preceding appointment as Chief Financial Officer.

(c) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of 9 members appointed not later than 30 days after the date of the enactment of this Act. Persons appointed as members must have recognized business, government, or financial expertise and experience and shall be appointed as follows:

(A) 1 individual appointed by the Governor of the Virgin Islands.

(B) 1 individual appointed by the President of the Legislature of the Virgin Islands.

(C) 1 individual, who is an employee of the Government of the Virgin Islands, appointed by the Central Labor Council of the Virgin Islands.

(D) 1 individual appointed by the Chamber of Commerce of St. Thomas-St. John.

(E) 1 individual appointed by the Chamber of Commerce of St. Croix.

(F) 1 individual appointed by the President of the University of the Virgin Islands.

(G) 1 individual appointed by the Chief Judge of the Virgin Islands Territorial Court.

(H) 1 individual, who is a resident of St. John, appointed by the At-Large Member of the Legislature of the Virgin Islands.

(I) 1 individual appointed by the Advocates for the Preservation of the Retirement System.

(2) TERMS.—

(A) IN GENERAL.—Each member shall be appointed for the life of the Commission.

(B) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made. Any member appointed to fill a vacancy shall be appointed for the remainder of that term.

(3) BASIC PAY.—Members shall serve without pay.

(4) QUORUM.—Five members of the Commission shall constitute a quorum.

(5) CHAIRPERSON.—The Chairperson of the Commission shall be the Chief Judge of the Territorial Court or her designee and shall serve as an ex officio member of the Commission and shall vote only in the case of a tie.

(6) MEETINGS.—The Commission shall meet at the call of the Chairperson. The Commission shall meet for the first time not later than 15 days after all members have been appointed under this subsection.

(7) GOVERNMENT EMPLOYMENT.—Members may not be current government employees, except for the member appointed under paragraph (1)(C); and

(d) REPORT; RECOMMENDATIONS.—The Commission shall transmit a report to the Governor and the Resources Committee of the House of Representatives and the Committee on Energy and Natural Resources of the Senate not later than 60 days after its first meeting. The report shall name the Commission's recommendations for candidates for nomination as Chief Financial Officer of the Virgin Islands.

(e) TERMINATION.—The Commission shall terminate 210 days after its first meeting.

SEC. 3. FINANCIAL MANAGEMENT SYSTEM.

It is hereby authorized to be appropriated such sums as necessary for the installation of a Financial Management System, includ-

ing appropriate computer hardware and software, to the Government of the Virgin Islands. Upon becoming available, the financial management system shall be available to the Chief Financial Officer and, after the date that is 5 years after the date of the enactment of this Act, the Director of the Office of Management and Budget of the Virgin Islands, to assist the Chief Financial Officer or the Director of the Office of Management and Budget of the Virgin Islands, as the case may be, to carry out the official duties of that office.

SEC. 4. DEFINITIONS.

For the purposes of this Act, the following definitions apply:

(1) CHIEF FINANCIAL OFFICER.—In sections 1 and 2, the term "Chief Financial Officer" means a Chief Financial Officer or Acting Chief Financial Officer, as the case may be, appointed under section 1(a).

(2) COMMISSION.—The term "Commission" means the Virgin Islands Chief Financial Officer Search Commission established pursuant to section 2.

(3) GOVERNOR.—The term "Governor" means the Governor of the Virgin Islands.

(4) REMOVAL FOR CAUSE.—The term "removal for cause" means removal based upon misconduct, failure to meet job requirements, or any grounds that a reasonable person would find grounds for discharge.

SEC. 5. NO ABROGATION OF POWERS.

Nothing in this Act shall be construed to permit the Governor and Legislature of the Virgin Islands to dilute, delegate, or otherwise alter or weaken the powers and authority of the Office of Management and Budget established under the laws of the Virgin Islands.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. JONES) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. JONES).

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 62.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, our colleague, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), has introduced legislation to address a potentially serious problem relating to her territory's financial future. Her legislation, H.R. 62, would create an Office of Chief Financial Officer for the United States Virgin Islands.

For over a decade now, multiple factors have led to a worsening financial outlook in this territory. Natural disasters, a gradually declining tourism industry and resulting spending decisions by the local government have left the U.S. Virgin Islands with significant annual deficits. Further, this territory now faces a debt totaling \$1 billion.

This legislation uses local and Federal input to select a Chief Financial

Officer. The CFO will tackle the difficult fiscal and related political decisions with regard to spending on these islands. This position will be temporary and will be empowered to stop wasteful spending and put this territory on the track to more sound economic footing.

The financial practices of the United States Virgin Islands have taken a primary position in the minds of its citizens and thus remain of great importance to my colleague, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN). Without this legislation, one must worry that the Federal Government may have to take even more direct action if this debt continues to increase.

Finally, I would like to also point out that identical legislation, H.R. 3589, was passed by the Committee on Resources in the 108th Congress and by the whole House on September 22, 2004. We are hopeful that early action on this legislation during the Congressional session will translate into more momentum for the enactment of H.R. 62.

□ 1430

I hope bipartisan support of this legislation will continue, and I urge adoption of the bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we are poised to pass this bill for the second time. I thank the gentleman from North Carolina (Mr. JONES) for his kind and supportive remarks. I also want to take this opportunity to thank the gentleman from California (Mr. POMBO) and the gentleman from West Virginia (Mr. RAHALL), particularly, but all of the members of the House Committee on Resources and the staff on both sides for their unwavering support in getting this bill to the floor again today.

Mr. Speaker, most people in my district agree that with the passage of this bill, H.R. 62, which would create a Chief Financial Officer for the U.S. Virgin Islands, we will make an important step forward and lay a stronger foundation for our children's future. We also would restore the confidence of the public in our government.

While it has not been an easy journey, it has become very clear that the people of the Virgin Islands recognize the need for more accountability, transparency, and efficiency in the management of Federal and local funding. The implementation of an independent CFO is clearly not the only way to achieve this, but it is the only viable proposal that has come forward over the last 8 years or more of increasing deficits and narrowly averted fiscal crises, crises which have only been delayed through repeated borrowing.

Included in H.R. 62 is also funding for the planning and implementation of a

financial management system. This is a critical part of the bill and the responsibility of the Chief Financial Officer this bill would create. While the groundwork has already begun under the current administration, it is my belief, given the millions of dollars that have been spent in the past on financial systems, that the only way to ensure that it is fully transparent, networked, and integrated is if it is overseen by someone who is independent and has no official territory to protect.

This is not to cast any aspersions on the hardworking public servants who currently head or work at any of our departments, including our Office of Management and Budget. Protecting one's turf is simply human nature. On the other hand, the system under which they labor is outdated, cumbersome, ineffective and cannot support the missions of their offices or the optimal functioning of our government.

I would be remiss, however, if I did not commend the Governor and his staff for the recent steps they have taken to restore our government to fiscal health. Yet our public services, our salaries, our contracting process with compliance with contracts, our infrastructure, and our accounting is not where it needs to be. And the fiscal information needed for effective planning is simply unavailable in a reliable form.

While the support for my bill is not unanimous, especially in the higher echelons of local leadership at home, it is broad. It exists at all levels of our society, and it spans all three islands.

I do not want to belabor the reasons which made it necessary for this bill to be here before this body today, except to say that major hurricanes, changes in Federal tax policy, as well as a systemic dysfunction in central government operations, have played a role.

There is no need or reason to point blame, but shame on us if we do not provide the leadership for which we were elected, and fix the problem. Pushing for passage of this bill has neither been easy nor have I taken it lightly. I understand the consequences of stepping beyond the political status quo, as I have done with this legislation; but I have also seen in other jurisdictions the consequences of acting as though everything was fine and doing nothing. And I have pursued it on behalf of and because of the strong and unwaiving support of the people of the U.S. Virgin Islands.

I want to thank my colleagues again for their support and ask for a "yea" vote.

Mr. RAHALL. Mr. Speaker, in my capacity as the ranking Democratic member of the Resources Committee, I would like to register my strong support of H.R. 62, to create the office of chief financial officer for the territory of the U.S. Virgin Islands.

This Chamber passed similar legislation in the 108th Congress because of the tireless and tenacious efforts of Mrs. CHRISTENSEN.

Today, we are bringing up this legislation early in the Congress hoping the Senate will act on it expeditiously.

The financial condition of the Virgin Islands remains in trouble. Skyrocketing deficits coupled with inadequate fiscal controls have left the local government struggling to provide basic services to the people of the Virgin Islands.

Just last week, the U.S. Department of Education issued an order to the Virgin Islands Government to hire an independent contractor to manage approximately \$35 million in annual grants because the local government did not have a financial system in place to adequately account for the grants. Regrettably, this recent order was not the first of its kind by one of our Federal agencies levied against the local Virgin Islands Government.

Clearly, the lack of financial accountability and the potential for financial insolvency of the territory did not occur overnight. Nevertheless the introduction of this measure, by the distinguished representative of the Virgin Islands, DONNA CHRISTENSEN, continues to be met with controversy and opposition from many local political leaders.

DONNA CHRISTENSEN has made it clear that this legislation is something that she would rather not have to do, but the circumstances of her territory have made the choices for her. She is a brave woman for fighting for what she believes is in the best interest of her constituents and for her island and she should be commended.

Virgin Islands history will tout this legislation as a turning point in the fundamental approach that the territory handles its financial affairs.

I have said it before, and I will say it again today: When the next chapter in Profiles in Courage is written, it will be about the gentle lady from the Virgin Islands, DONNA CHRISTENSEN.

I urge my colleagues to support favorable passage by this body of H.R. 62.

Ms. CHRISTENSEN. Mr. Speaker, I yield back the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and pass the bill, H.R. 62.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

WESTERN RESERVE HERITAGE AREAS STUDY ACT

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 412) to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of establishing the Western Reserve Heritage Area.

The Clerk read as follows:

H.R. 412

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Western Reserve Heritage Areas Study Act".

SEC. 2. NATIONAL PARK SERVICE STUDY REGARDING THE WESTERN RESERVE, OHIO.

(a) **FINDINGS.**—The Congress finds the following:

(1) The area that encompasses the modern-day counties of Trumbull, Mahoning, Ashtabula, Portage, Geauga, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa, and Ashland in Ohio with the rich history in what was once the Western Reserve, has made a unique contribution to the cultural, political and industrial development of the United States.

(2) The Western Reserve is distinctive as the land settled by the people of Connecticut after the Revolutionary War. The Western Reserve holds a unique mark as the original wilderness land of the West that many settlers migrated to in order to begin life outside of the original 13 colonies.

(3) The Western Reserve played a significant role in providing land to the people of Connecticut whose property and land was destroyed during the Revolution. These settlers were descendants of the brave immigrants who came to the Americas in the 17th century.

(4) The Western Reserve offered a new destination for those who moved west in search of land and prosperity. The agricultural and industrial base that began in the Western Reserve still lives strong in these prosperous and historical counties.

(5) The heritage of the Western Reserve remains transfixed in the counties of Trumbull, Mahoning, Ashtabula, Portage, Geauga, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa, and Ashland in Ohio. The people of these counties are proud of their heritage as shown through the unwavering attempts to preserve agricultural land and the industrial foundation that has been embedded in this region since the establishment of the Western Reserve. Throughout these counties, historical sites, and markers preserve the unique traditions and customs of its original heritage.

(6) The counties that encompass the Western Reserve continue to maintain a strong connection to its historic past as seen through its preservation of its local heritage, including historic homes, buildings, and centers of public gatherings.

(7) There is a need for assistance for the preservation and promotion of the significance of the Western Reserve as the natural, historic and cultural heritage of the counties of Trumbull, Mahoning, Ashtabula, Portage, Geauga, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa and Ashland in Ohio.

(8) The Department of the Interior is responsible for protecting the Nation's cultural and historical resources. There are significant examples of such resources within these counties and what was once the Western Reserve to merit the involvement of the Federal Government in the development of programs and projects, in cooperation with the State of Ohio and other local governmental entities, to adequately conserve, protect, and interpret this heritage for future generations, while providing opportunities for education and revitalization.

(b) STUDY.—

(1) **IN GENERAL.**—The Secretary, acting through the National Park Service Rivers, Trails, and Conservation Assistance Program, Midwest Region, and in consultation with the State of Ohio, the counties of Trumbull, Mahoning, Ashtabula, Portage, Geauga, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa, and Ashland, and other appropriate organizations, shall

carry out a study regarding the suitability and feasibility of establishing the Western Reserve Heritage Area in these counties in Ohio.

(2) **CONTENTS.**—The study shall include analysis and documentation regarding whether the Study Area—

(A) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities and by combining diverse and sometimes noncontiguous resources and active communities;

(B) reflects traditions, customs, beliefs, and folklore that are a valuable part of the national story;

(C) provides outstanding opportunities to conserve natural, historic, cultural, or scenic features;

(D) provides outstanding recreational and educational opportunities;

(E) contains resources important to the identified theme or themes of the Study Area that retain a degree of integrity capable of supporting interpretation;

(F) includes residents, business interests, nonprofit organizations, and local and State governments that are involved in the planning, have developed a conceptual financial plan that outlines the roles for all participants, including the Federal Government, and have demonstrated support for the concept of a national heritage area;

(G) has a potential management entity to work in partnership with residents, business interests, nonprofit organizations, and local and State governments to develop a national heritage area consistent with continued local and State economic activity;

(H) has a conceptual boundary map that is supported by the public; and

(I) has potential or actual impact on private property located within or abutting the Study Area.

(c) **BOUNDARIES OF THE STUDY AREA.**—The Study Area shall be comprised of the counties of Trumbull, Mahoning, Ashtabula, Portage, Geauga, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa, and Ashland in Ohio.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. JONES) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. JONES).

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 412.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 412 introduced by the gentleman from Ohio (Mr. RYAN), would authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of establishing the Western Reserve Heritage Area. The proposed study area under this bill would encompass 14

modern-day counties in Ohio which throughout history have made a unique contribution to the cultural, political, and industrial development of the United States.

The Western Reserve is every bit as distinctive as the land settled by the people of Connecticut after the Revolutionary War and holds a unique mark as the original wilderness in the West that many settlers migrated to in order to begin life outside the original 13 colonies.

Mr. Speaker, H.R. 412 mirrors legislation that was supported by the majority and minority of the committee and the administration and passed the House during the 108th Congress. I urge adoption of the bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, National Heritage areas are grassroots projects where business and community leaders, local residents and State and local governments come together as neighbors to conserve and interpret the valuable historic and scenic resources in their communities.

Through the National Heritage Area Program, the National Park Service provides seed money and technical expertise to get these local projects off the ground and to leverage private, long-term funding for these areas.

H.R. 412, sponsored by our colleague, the gentleman from Ohio (Mr. RYAN), will authorize a study to determine whether or not an area in Ohio once known as the Western Reserve would qualify as a National Heritage Area.

The House approved this legislation during the 108th Congress, but the measure was never taken up in the other body.

The gentleman from Ohio (Mr. RYAN) is to be commended for his efforts on behalf of the communities that would be included in this new area.

Despite being a relatively new Member of Congress, the gentleman from Ohio (Mr. RYAN) is already demonstrating a willingness to work tirelessly on behalf of communities in need of the kind of Federal support the Heritage Area Program can provide.

We look forward to working with the gentleman from Ohio (Mr. RYAN) to create the Western Reserve Heritage Area should the study we are authorizing today support such a move. The gentleman from West Virginia (Mr. RAHALL) and I congratulate the gentleman from Ohio (Mr. RYAN) on this important legislation and urge our colleagues to support H.R. 412.

Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Speaker, in 1792 citizens came to northern Ohio to find a place to call their own after the American Revolution forced many out of house and home. They called this place the Western Reserve. It was a place of new beginnings, and these fervent and industrious people made Ohio

strong and prosperous. These settlers, mostly from Connecticut, were descendants of the brave immigrants who came to the Americas in the 17th century.

It is with great honor that by passing this legislation we will preserve the integrity of the cultural landscape for future generations to call home.

The Western Reserve is significant to our Nation's history, and it will be through education and public investment that we will help redefine our communities with the designation they so deserve.

The Western Reserve holds the distinction of being home to three U.S. Presidents and three U.S. Supreme Court Justices. This was home to the foundation of the steel industry and the world's rubber capital. The Western Reserve had the first U.S. newspaper for African Americans and the oldest labor newspaper. We are an inventive people, with many firsts in the automotive and electrical worlds. This is the birthplace of Thomas Edison and John Brown, the famous abolitionist.

We have regional strengths that set us apart from other areas, from our respected universities to our diverse business community to a wide range of natural and recreational resources. The agricultural and industrial base that began in the Western Reserve still lives strong in these prosperous and historical counties. These counties include Trumbull, Mahoning, Summit, Portage, Ashtabula, Cuyahoga, Medina, Ottawa, Ashland, Lake, Geauga, Lorain, Huron, and Erie.

The Western Reserve Heritage Area will unite northern Ohio and will help develop a plan focused on conserving the special qualities of the local culture and landscape that will once again define these communities as a good place to settle and make new beginnings.

We are already starting to see some of the benefits. The original Packard car was developed in this Western Reserve and the annual event that we have brings \$5 million to Trumbull County in travel tourism money.

I would just like to share a quote because now, not only with the Western Reserve Heritage Area coming together, the counties in the old Western Reserve are coming together economically as well. The foundations are coming together to focus their efforts and their money and certain aspects that will help transform our economy. I would just like to share a quote from the fund of all of these, the Fund For Our Economic Future and the fund chairman, Robert Briggs, says that "most of the pieces needed to make northeast Ohio a global economic powerhouse are in place. One of the missing pieces, however, is a shared vision and understanding that the residents in these counties in northeast Ohio are interconnected in a regional economy. By breaking down jurisdictional boundaries created by cities and counties and thinking regionally, we will think eco-

nomic transformation to stimulate exponential growth."

The Western Reserve Heritage Area can be the organizing principle of this area and lead to the transformation of our economy.

I thank my colleagues for the opportunity to share these views today.

Mrs. CHRISTENSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and pass the bill, H.R. 412.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GULLAH/GEECHEE CULTURAL HERITAGE ACT

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 694) to enhance the preservation and interpretation of the Gullah/Geechee cultural heritage, and for other purposes, as amended.

The Clerk read as follows:

H.R. 694

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gullah/Geechee Cultural Heritage Act".

SEC. 2. PURPOSES.

The purposes of this Act are to—

(1) recognize the important contributions made to American culture and history by African Americans known as the Gullah/Geechee who settled in the coastal counties of South Carolina, Georgia, North Carolina, and Florida;

(2) assist State and local governments and public and private entities in South Carolina, Georgia, North Carolina, and Florida in interpreting the story of the Gullah/Geechee and preserving Gullah/Geechee folklore, arts, crafts, and music; and

(3) assist in identifying and preserving sites, historical data, artifacts, and objects associated with the Gullah/Geechee for the benefit and education of the public.

SEC. 3. DEFINITIONS.

For the purposes of this Act, the following definitions apply:

(1) COMMISSION.—The term "Commission" means the Gullah/Geechee Cultural Heritage Corridor Commission established under this Act.

(2) HERITAGE CORRIDOR.—The term "Heritage Corridor" means the Gullah/Geechee Cultural Heritage Corridor established by this Act.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 4. GULLAH/GEECHEE CULTURAL HERITAGE CORRIDOR.

(a) ESTABLISHMENT.—There is established the Gullah/Geechee Cultural Heritage Corridor.

(b) BOUNDARIES.—

(1) IN GENERAL.—The Heritage Corridor shall be comprised of those lands and waters generally depicted on a map entitled "Gullah/Geechee Cultural Heritage Corridor" numbered GGCHC 80,000 and dated September 2004. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and in an appropriate State office in each of the States included in the Heritage Corridor. The Secretary shall publish in the Federal Register, as soon as practicable after the date of enactment of this Act, a detailed description and map of the boundaries established under this subsection.

(2) REVISIONS.—The boundaries of the heritage corridor may be revised if the revision is—

(A) proposed in the management plan developed for the Heritage Corridor;

(B) approved by the Secretary in accordance with this Act; and

(C) placed on file in accordance with paragraph (1).

(c) ADMINISTRATION.—The Heritage Corridor shall be administered in accordance with the provisions of this Act.

SEC. 5. GULLAH/GEECHEE CULTURAL HERITAGE CORRIDOR COMMISSION.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the "Gullah/Geechee Cultural Heritage Corridor Commission" whose purpose shall be to assist Federal, State, and local authorities in the development and implementation of a management plan for those land and waters specified in section 4.

(b) MEMBERSHIP.—The Commission shall be composed of 15 members appointed by the Secretary as follows:

(1) Four individuals nominated by the State Historic Preservation Officer of South Carolina and two individuals each nominated by the State Historic Preservation Officer of each of Georgia, North Carolina, and Florida and appointed by the Secretary.

(2) Two individuals from South Carolina and one individual from each of Georgia, North Carolina, and Florida who are recognized experts in historic preservation, anthropology, and folklore, appointed by the Secretary.

(c) TERMS.—Members of the Commission shall be appointed to terms not to exceed 3 years. The Secretary may stagger the terms of the initial appointments to the Commission in order to assure continuity of operation. Any member of the Commission may serve after the expiration of their term until a successor is appointed. A vacancy shall be filled in the same manner in which the original appointment was made.

(d) TERMINATION.—The Commission shall terminate 10 years after the date of the enactment of this Act.

SEC. 6. OPERATION OF THE COMMISSION.

(a) DUTIES OF THE COMMISSION.—To further the purposes of the Heritage Corridor, the Commission shall—

(1) prepare and submit a management plan to the Secretary in accordance with section 7;

(2) assist units of local government and other persons in implementing the approved management plan by—

(A) carrying out programs and projects that recognize, protect, and enhance important resource values within the Heritage Corridor;

(B) establishing and maintaining interpretive exhibits and programs within the Heritage Corridor;

(C) developing recreational and educational opportunities in the Heritage Corridor;

(D) increasing public awareness of and appreciation for the historical, cultural, natural, and scenic resources of the Heritage Corridor;

(E) protecting and restoring historic sites and buildings in the Heritage Corridor that are consistent with heritage corridor themes;

(F) ensuring that clear, consistent, and appropriate signs identifying points of public access and sites of interest are posted throughout the Heritage Corridor; and

(G) promoting a wide range of partnerships among governments, organizations, and individuals to further the purposes of the Heritage Corridor;

(3) consider the interests of diverse units of government, business, organizations, and individuals in the Heritage Corridor in the preparation and implementation of the management plan;

(4) conduct meetings open to the public at least quarterly regarding the development and implementation of the management plan;

(5) submit an annual report to the Secretary for any fiscal year in which the Commission receives Federal funds under this Act, setting forth its accomplishments, expenses, and income, including grants made to any other entities during the year for which the report is made;

(6) make available for audit for any fiscal year in which it receives Federal funds under this Act, all information pertaining to the expenditure of such funds and any matching funds, and require all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organization make available for audit all records and other information pertaining to the expenditure of such funds; and

(7) encourage by appropriate means economic viability that is consistent with the purposes of the Heritage Corridor.

(b) **AUTHORITIES.**—The Commission may, for the purposes of preparing and implementing the management plan, use funds made available under this Act to—

(1) make grants to, and enter into cooperative agreements with, the States of South Carolina, North Carolina, Florida, and Georgia, political subdivisions of those States, a nonprofit organization, or any person;

(2) hire and compensate staff;

(3) obtain funds from any source including any that are provided under any other Federal law or program; and

(4) contract for goods and services.

SEC. 7. MANAGEMENT PLAN.

(a) **IN GENERAL.**—The management plan for the Heritage Corridor shall—

(1) include comprehensive policies, strategies, and recommendations for conservation, funding, management, and development of the Heritage Corridor;

(2) take into consideration existing State, county, and local plans in the development of the management plan and its implementation;

(3) include a description of actions that governments, private organizations, and individuals have agreed to take to protect the historical, cultural, and natural resources of the Heritage Corridor;

(4) specify the existing and potential sources of funding to protect, manage, and develop the Heritage Corridor in the first 5 years of implementation;

(5) include an inventory of the historical, cultural, natural, resources of the Heritage Corridor related to the themes of the Heritage Corridor that should be preserved, restored, managed, developed, or maintained;

(6) recommend policies and strategies for resource management that consider and detail the application of appropriate land and

water management techniques, including the development of intergovernmental and interagency cooperative agreements to protect the Heritage Corridor's historical, cultural, and natural resources;

(7) describe a program for implementation of the management plan including plans for resources protection, restoration, construction, and specific commitments for implementation that have been made by the Commission or any government, organization, or individual for the first 5 years of implementation;

(8) include an analysis and recommendations for the ways in which Federal, State, or local programs may best be coordinated to further the purposes of this Act; and

(9) include an interpretive plan for the Heritage Corridor.

(b) **SUBMITTAL OF MANAGEMENT PLAN.**—The Commission shall submit the management plan to the Secretary for approval not later than 3 years after funds are made available for this Act.

(c) **FAILURE TO SUBMIT.**—If the Commission fails to submit the management plan to the Secretary in accordance with subsection (b), the Heritage Corridor shall not qualify for Federal funding until the management plan is submitted.

(d) **APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—The Secretary shall approve or disapprove the management plan not later than 90 days after receiving the management plan.

(2) **CRITERIA.**—In determining whether to approve the management plan, the Secretary shall consider whether—

(A) the Commission has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan;

(B) the resource preservation and interpretation strategies contained in the management plan would adequately protect the cultural and historic resources of the Heritage Corridor; and

(C) the Secretary has received adequate assurances from appropriate State and local officials whose support is needed to ensure the effective implementation of the State and local aspects of the plan.

(3) **ACTION FOLLOWING DISAPPROVAL.**—If the Secretary disapproves the management plan, the Secretary shall advise the Commission in writing of the reasons therefor and shall make recommendations for revisions to the management plan. The Secretary shall approve or disapprove a proposed revision not later than 60 days after the date it is submitted.

(4) **APPROVAL OF AMENDMENTS.**—Substantial amendments to the management plan shall be reviewed and approved by the Secretary in the same manner as provided in the original management plan. The Commission shall not use Federal funds authorized by this Act to implement any amendments until the Secretary has approved the amendments.

SEC. 8. TECHNICAL AND FINANCIAL ASSISTANCE.

(a) **IN GENERAL.**—Upon a request of the Commission, the Secretary may provide technical and financial assistance for the development and implementation of the management plan.

(b) **PRIORITY FOR ASSISTANCE.**—In providing assistance under subsection (a), the Secretary shall give priority to actions that assist in—

(1) conserving the significant cultural, historical, and natural resources of the Heritage Corridor; and

(2) providing educational and interpretive opportunities consistent with the purposes of the Heritage Corridor.

(c) **SPENDING FOR NON-FEDERAL PROPERTY.**—

(1) **IN GENERAL.**—The Commission may expend Federal funds made available under this Act on nonfederally owned property that is—

(A) identified in the management plan; or

(B) listed or eligible for listing on the National Register for Historic Places.

(2) **AGREEMENTS.**—Any payment of Federal funds made pursuant to this Act shall be subject to an agreement that conversion, use, or disposal of a project so assisted for purposes contrary to the purposes of this Act, as determined by the Secretary, shall result in a right of the United States to compensation of all funds made available to that project or the proportion of the increased value of the project attributable to such funds as determined at the time of such conversion, use, or disposal, whichever is greater.

SEC. 9. DUTIES OF OTHER FEDERAL AGENCIES.

Any Federal agency conducting or supporting activities directly affecting the Heritage Corridor shall—

(1) consult with the Secretary and the Commission with respect to such activities;

(2) cooperate with the Secretary and the Commission in carrying out their duties under this Act and, to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and

(3) to the maximum extent practicable, conduct or support such activities in a manner in which the Commission determines will not have an adverse effect on the Heritage Corridor.

SEC. 10. COASTAL HERITAGE CENTERS.

In furtherance of the purposes of this Act and using the authorities made available under this Act, the Commission shall establish one or more Coastal Heritage Centers at appropriate locations within the Heritage Corridor in accordance with the preferred alternative identified in the Record of Decision for the Low Country Gullah Culture Special Resource Study and Environmental Impact Study, December 2003, and additional appropriate sites.

SEC. 11. PRIVATE PROPERTY PROTECTION.

(a) **ACCESS TO PRIVATE PROPERTY.**—Nothing in this Act shall be construed to require any private property owner to permit public access (including Federal, State, or local government access) to such private property. Nothing in this Act shall be construed to modify any provision of Federal, State, or local law with regard to public access to or use of private lands.

(b) **LIABILITY.**—Designation of the Heritage Corridor shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) **RECOGNITION OF AUTHORITY TO CONTROL LAND USE.**—Nothing in this Act shall be construed to modify any authority of Federal, State, or local governments to regulate land use.

(d) **PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE CORRIDOR.**—Nothing in this Act shall be construed to require the owner of any private property located within the boundaries of the Heritage Corridor to participate in or be associated with the Heritage Corridor.

(e) **EFFECT OF ESTABLISHMENT.**—The boundaries designated for the Heritage Corridor represent the area within which Federal funds appropriated for the purpose of this Act shall be expended. The establishment of the Heritage Corridor and its boundaries shall not be construed to provide any non-existing regulatory authority on land use within the Heritage Corridor or its viewshed by the Secretary or the management entity.

(f) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Corridor until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(g) LANDOWNER WITHDRAWAL.—Any owner of private property included within the boundary of the Heritage Corridor shall have their property immediately removed from within the boundary by submitting a written request to the management entity.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated for the purposes of this Act not more than \$1,000,000 for any fiscal year. Not more than a total of \$10,000,000 may be appropriated for the Heritage Corridor under this Act.

(b) COST SHARE.—Federal funding provided under this Act may not exceed 50 percent of the total cost of any activity for which assistance is provided under this Act.

(c) IN-KIND CONTRIBUTIONS.—The Secretary may accept in-kind contributions as part of the non-Federal cost share of any activity for which assistance is provided under this Act.

SEC. 13. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this Act shall terminate on the day occurring 15 years after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. JONES) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. JONES).

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 694.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 694, introduced by the gentleman from South Carolina (Mr. CLYBURN) and amended by the Committee on Resources, would establish the Gullah/Geechee Cultural Heritage Corridor, comprised of lands and waters important to preserving this unique culture in parts of South Carolina and Georgia.

By way of background, throughout the early 1800s the Gullah/Geechee settled in the coastal counties of South Carolina, Georgia, and Northern Florida, and due largely to their isolated locations have remarkably maintained a great deal of their West African heritage. This bill would assist State and local governments with preserving and interpreting the story of Gullah/Geechee culture and its wonderful folklore, arts, crafts, and music.

H.R. 694, as amended, supports legislation that was supported by the ma-

jority and minority as passed the House of Representatives by voice vote during the 108th Congress. The committee amendment simply adds the correct map number and date to the bill.

Mr. Speaker, I urge adoption of the bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the majority has explained the purpose of H.R. 694, but it is truly fitting that we are proceeding with this legislation.

The Gullah/Geechee culture is unique. These proud people trace their ancestry to enslaved Africans who were forced to live and work along the coastal areas covered by the legislation. Because of the isolation of these coastal lands and islands, African Americans in these areas developed a distinct language as well as unique arts, crafts, music, and religious customs. It is a living culture that continues to evolve today and is definitely one that should be preserved and celebrated. I have had the opportunity in traveling to Charleston, South Carolina, with the distinguished gentleman from South Carolina (Mr. CLYBURN), to whom I will yield shortly, to sample some of that culture and the food as well.

□ 1445

Mr. Speaker, I want to commend my colleague and friend, the gentleman from South Carolina (Mr. CLYBURN), for his work on developing this important legislative initiative. The gentleman from West Virginia (Mr. RAHALL), our ranking member on the Committee on Resources, joins me in congratulating the gentleman from South Carolina (Mr. CLYBURN) for his effort, and we strongly support H.R. 694 and urge its passage before the House today.

Mr. Speaker, I yield such time as he might consume to the gentleman from South Carolina (Mr. CLYBURN), the distinguished vice-chair of the Democratic Caucus.

Mr. CLYBURN. Mr. Speaker, I thank the gentlewoman very much for yielding me the time. I want to thank her for her good work on the subcommittee on this legislation. I want to thank the majority side for their unique understanding of a unique slice of the American culture.

My colleagues may recall, Mr. Speaker, that we passed this legislation last year unanimously. It also passed in the other body, but time ran out before we could reconcile the differences that were in the two bills.

I want to point out today, for those people who may be listening, that this time around we did move to incorporate all of the aspects of the study conducted by the National Park Service. Last year, we only recognized South Carolina and Georgia in the legislation. In this legislation, however,

we have moved to bring Florida and North Carolina into the corridor, and that gives it the credibility that a lot of mail I got indicated was lacking the last time around.

I want to just point out that I do not believe there is anyone who has ever traveled to Charleston, South Carolina, or to Beaufort County, South Carolina, or to the Jacksonville area of North Carolina or the Jacksonville area of Florida who have not encountered some unique aspects of this culture. One need only walk the streets of Charleston and see the art of basket weaving, the sweet grass baskets that are made there, all coming out of this culture.

One of the reasons we thought it necessary to move quickly, as the National Park Service urged us to do, was because just that unique craft itself is beginning to dissipate, if not disappear, simply because of the sweet grass that is needed in order to make those baskets is fast disappearing, and we want to do what is necessary to preserve and protect that art and the culture that goes along with it.

I just want to point out, Mr. Speaker, that the communities that are identified along this corridor, many of them in years past were dependent upon textiles and tobacco as a large part of their economy. We all know going forward that that is not going to be a significant part of their future, but we also know that tourism is growing at 6 percent a year. Heritage tourism is growing around 30 percent a year, and we do believe that these communities, with the culture that is indigenous to the area, will benefit greatly from this legislation and bring them into the mainstream of activity of South Carolina's coast, Georgia's coast, Florida and North Carolina going forward.

So I want to thank the Members of this body for the work last year, thank the committee for bringing this bill to the floor so quickly this year, and I am hopeful that my colleagues will give us a favorable vote on it today.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise as a strong supporter of H.R. 694, a bill that acknowledges the significant contributions made to American culture and history by outstanding African Americans known as the Gullah/Geechee. The legislation will assist State and local governments and public and private entities in South Carolina, Georgia, North Carolina and Florida to institute programs that facilitate the interpretation of the story of the Gullah/Geechee and preserving their legends, arts, crafts, and music. It will aid in identifying and preserving sites, historical data, artifacts, and objects associated with the Gullah/Geechee for the benefit and education of the public.

Mr. Speaker, I understand the history of these people. These individuals have a tremendously rich history and culture that has roots in the transportation of African slaves to the Sea Islands of South Carolina, Georgia and Florida. The Sea Islands served as an excellent location for the Gullah culture because of its separation from the mainland. The slaves who came from various regions in Africa brought many gifts such as a distinctive

language, culture and traditions. Collectively these traditions and languages have merged into one to form Gullah. The Gullah culture has survived over the years by Gullah elders passing down the language and traditions to their children. However, over the past 50 years the Gullah culture has started to die. Three significant factors are the development of resorts along the Sea Islands, the movement of Gullah descendants to larger cities, in search of employment and the education of Gullah descendants. The later of the factors has severely damaged the Gullah culture. As the Gullah people are becoming educated, they are taught that it is no longer acceptable to speak "broken-English." However, the Gullah language is more than just "broken-English." It is an art form that serves as the link between Africans and African-Americans today.

This magnificent bill will pay tribute to these great African Americans who settled in our coastal counties. The act will establish the Heritage Corridor that consists of lands and waters normally illustrated on a map as the Gullah/Geechee Cultural Heritage Corridor; the map will be on file and available for public inspection in the appropriate offices of the National Park Service and in the correct State office of each State listed in the Heritage Corridor.

This marvelous legislation will create the Gullah/Geechee Cultural Heritage Corridor Commission. The commission will help Federal, State, and local authorities in the development and implementation of a management plan for those areas listed as part of the Heritage Corridor.

Therefore, I ask my colleagues to join me and support these honorable African Americans for their contributions to this great country.

Mrs. CHRISTENSEN. Mr. Speaker, having no further speakers, I yield back the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and pass the bill, H.R. 694, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

LAND EXCHANGE IN VICINITY OF HOLLOWMAN AIR FORCE BASE, NEW MEXICO

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 486) to provide for a land exchange involving private land and Bureau of Land Management land in the vicinity of Holloman Air Force Base, New Mexico, for the purpose of removing private land from the required safety zone surrounding munitions storage bunkers at Holloman Air Force Base.

The Clerk read as follows:

H.R. 486

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAND EXCHANGE, PRIVATE AND PUBLIC LAND IN VICINITY OF HOLLOWMAN AIR FORCE BASE, NEW MEXICO.

(a) CONVEYANCE OF PUBLIC LAND.—In exchange for the land described in subsection (b), the Secretary of the Interior shall convey to Randal, Jeffrey, and Timothy Rabon of Otero County, New Mexico (in this section referred to as the "Rabons"), all right, title, and interest of the United States in and to certain public land administered by the Secretary through the Bureau of Land Management consisting of a total of approximately 320 acres, as depicted on the map entitled "Alamogordo Rabon Land Exchange" and dated September 24, 2004, and more specifically described as follows:

(1) SE¼ of section 6, township 17 south, range 10 east, New Mexico principal meridian.

(2) N½N½ of section 7, township 17 south, range 10 east, New Mexico principal meridian.

(b) CONSIDERATION.—As consideration for the conveyance of the real property under subsection (a), the Rabons shall convey to the United States all right, title, and interest held by the Rabons in and to three parcels of land depicted on the map referred to in subsection (a), which consists of approximately 241 acres, is contiguous to Holloman Air Force Base, New Mexico, and is located within the required safety zone surrounding munitions storage bunkers at the installation. The Secretary shall assume jurisdiction over the land acquired under this subsection. The three parcels are more specifically described as follows:

(1) Lot 4 in the S1/2 of section 30, township 16 south, range 9 east, New Mexico principal meridian, consisting of approximately 17.6 acres.

(2) E1/2SW1/4 of section 31, township 16 south, range 9 east, New Mexico principal meridian, consisting of approximately 80 acres.

(3) Lots 1, 2, 3, and 4 of section 31, township 16 south, range 9 east, New Mexico principal meridian, consisting of approximately 143 acres.

(c) INTERESTS INCLUDED IN EXCHANGE.—Subject to valid existing rights, the land exchange under this section shall include conveyance of all surface, subsurface, mineral, and water rights in the lands.

(d) COMPLIANCE WITH EXISTING LAW.—(1) The Secretary shall carry out the land exchange under this section in the manner provided in section 206 of the Federal Land Policy Management Act of 1976 (43 U.S.C. 1716). Notwithstanding subsection (b) of such section, if necessary, a cash equalization payment may be made in excess of 25 percent of the appraised value of the public land to be conveyed under subsection (a).

(2) The cost of the appraisals performed as part of the land exchange shall be borne by the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the land exchange under this section as the Secretary considers appropriate to protect the interests of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. JONES) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. JONES).

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 486, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 486, introduced by the gentleman from New Mexico (Mr. PEARCE), would provide for a land exchange involving private land and land managed by the Bureau of Land Management in the vicinity of Holloman Air Force Base in New Mexico for the purpose of removing that land from a required safety zone surrounding munitions storage bunkers at the Air Force base.

Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico (Mr. PEARCE), the author of this bill.

Mr. PEARCE. Mr. Speaker, I rise in support of H.R. 486 and would like to thank the gentleman from California (Chairman POMBO) and the gentleman from West Virginia (Ranking Member RAHALL) for working with me on this important legislation. I appreciate the bipartisan support from the Committee on Resources members and the ranking member of the subcommittee, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), in reaching a compromise that is reflected in this legislation.

The need for Congress to pass H.R. 486 arose when a munitions storage bunker was built at Holloman Air Force Base in 1997 and 1998. Holloman Air Force Base serves both the United States' and German Air Force's training and readiness functions. The Holloman air to ground training ranges consist of 1,385,262 acres, almost exclusively Federal land, and air to air training ranges providing 8,352,878 acres of air space for national security and training. The total military training routes at Holloman Air Force Base is 8,657,964. That is DOD, DOI, USDA and private lands.

Without an explosive clear zone, Holloman Air Force Base is unable to fully utilize the designed capacity of the bunker, and it adversely impacts the storage capacity of munitions required for training and operations. This directly impacts the ability of Holloman Air Force Base to fully meet its mission of training, readiness and national security as well as training our NATO partner, Germany. The cost to replace the munitions storage area is estimated by the Air Force to be a minimum of \$40 million today, and more if this bill is delayed.

The proposed explosive clear zone encroaches on private property. The Federal Government originally sought to

take the private property through condemnation, leaving little choice but for the property owners to vigorously defend their property rights. This bill resolves the issue and protects both private property and the investment made by the Air Force and would simply exchange Federal lands in close proximity to ranch boundaries. This bill protects our national security, saves the taxpayers a minimum of \$40 million and protects private property and is fair to all parties concerned.

I urge my colleagues to join me in passing H.R. 486.

Mr. JONES of North Carolina. Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is unfortunate that the private landowners in this case were unable to reach an agreement with the Air Force to resolve this ongoing dispute. However, because ensuring that Holloman Air Force Base operates effectively and safely is critical to both the Air Force and the residents who live and work near the base, we have worked closely with the gentleman from New Mexico (Mr. PEARCE) to craft a legislative solution.

Compared to the version of this legislation introduced in the previous Congress, H.R. 486 contains a number of changes made at the request of the minority, and we appreciate the inclusion of those changes, and at this time we would not oppose the adoption of H.R. 486.

Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, I urge adoption of this bill. I have no other speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and pass the bill, H.R. 486.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

WELFARE REFORM EXTENSION ACT OF 2005

Mr. HERGER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1160) to reauthorize the Temporary Assistance for Needy Families block grant program through June 30, 2005, and for other purposes.

The Clerk read as follows:

H.R. 1160

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Welfare Reform Extension Act of 2005".

SEC. 2. EXTENSION OF THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT PROGRAM THROUGH JUNE 30, 2005.

(a) IN GENERAL.—Activities authorized by part A of title IV of the Social Security Act, and by sections 510, 1108(b), and 1925 of such Act, shall continue through June 30, 2005, in the manner authorized for fiscal year 2004, notwithstanding section 1902(e)(1)(A) of such Act, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through the third quarter of fiscal year 2005 at the level provided for such activities through the third quarter of fiscal year 2004.

(b) CONFORMING AMENDMENT.—Section 403(a)(3)(H)(ii) of the Social Security Act (42 U.S.C. 603(a)(3)(H)(ii)) is amended by striking "March 31" and inserting "June 30".

SEC. 3. EXTENSION OF THE NATIONAL RANDOM SAMPLE STUDY OF CHILD WELFARE AND CHILD WELFARE WAIVER AUTHORITY THROUGH JUNE 30, 2005.

Activities authorized by sections 429A and 1130(a) of the Social Security Act shall continue through June 30, 2005, in the manner authorized for fiscal year 2004, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through the third quarter of fiscal year 2005 at the level provided for such activities through the third quarter of fiscal year 2004.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HERGER) and the gentleman from Maryland (Mr. CARDIN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 1160, the Welfare Reform Extension Act of 2005. Mr. Speaker, this legislation will continue funding for the Temporary Assistance For Needy Families Program and other related programs for 3 months through June 30th, 2005.

Mr. Speaker, this is the ninth extension of these programs we have considered since their original authorization expired at the end of 2002. In 2002 and 2003, the House passed comprehensive welfare reform legislation that would promote more work, provide more child care assistance and help more low-income families become self-sufficient. Unfortunately, our friends in the Senate did not follow suit, and therefore we have been forced to mark time. Still, we are encouraged that on March 9 the Senate Finance Committee approved a welfare reform bill and hope that this year the full Senate would pass such legislation so that we can make real progress.

It is important that we are here today to continue funding for this remarkably successful program. Since the welfare reform law was passed in 1996, the number of families receiving welfare assistance has fallen more than 60 percent. More than 1.4 million children have been lifted from poverty. However, as we have marked time with

this program through a series of short-term extensions, we have seen evidence that the gains made over the years are in jeopardy.

Work among welfare recipients has declined in 3 of the last 4 years. Two million families remain dependent on government assistance, and we are not taking enough steps to strengthen families which will improve child well-being. We must do more to help strong families form and more parents go to work and achieve independence.

Mr. Speaker, on the first day of the 109th Congress I joined the gentlewoman from Ohio (Ms. PRYCE), the gentleman from Texas (Mr. DELAY), the majority leader, as well as the committee chairman and subcommittee chairman with jurisdiction over these programs to introduce H.R. 240, the Personal Responsibility, Work, and Family Promotion Act of 2005.

Tomorrow, the Subcommittee on Human Resources, which I chair, will mark up this legislation, the first step in the process of again bringing it to the floor for a vote in the coming weeks. This legislation is nearly identical to the legislation this House passed in 2002 and 2003, with appropriate updates given the passage of time since the last time the House acted.

I look forward to working with all my colleagues to pass this legislation so we can get to conference and get a bill for the President's desk. House Republicans stand with President Bush and support the proposals he has championed that encourage more work and promote stronger families, and we will continue to work towards their implementation.

It is unfortunate, as I have said in the past, that we have not been able to get such comprehensive welfare legislation to the President's desk for his signature. The budgetary pressures this year are a reality we all will work to address, which may involve difficult choices in some of these areas.

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Our previous legislation ensured full funding for the TANF program while providing up to \$4 billion more for child care so more parents could go to work. With record-high Federal budget deficits, the longer we wait, the harder it will be for us to provide for this level of welfare-to-work programs.

I hope this extension is our last and by June 30 we will have sent long-term reauthorization legislation to the President. I look forward to working with my colleagues on both sides of the aisle to make this a reality. I urge all of my colleagues to support this legislation before us today.

Mr. Speaker, I reserve the balance of my time.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support this temporary continuation of funding for TANF, Temporary Assistance For Needy Families. It also extends the

Child Care Development Block Grant Program and transitional medical assistance for people who leave welfare for work. The bill extends funding for these programs for the next 3 months without any changes in current law. As the gentleman from California (Mr. HERGER) pointed out, this is the ninth temporary extension for TANF over the last 3 years.

I agree with those who say we should be doing much more. I think it is wrong we have not brought forward legislation that deals with the reality of what has happened in our communities over the past 3 years. We have seen a significant growth in poverty in this country, growing by 4.3 million people. In 2003 alone, almost another 800,000 children fell into poverty; yet we see no action by this body to deal with the realities in our community.

Regrettably, the long-term welfare reauthorization plan put forward by my Republican colleagues largely ignores this problem. The gentleman from California (Mr. HERGER) has pointed out that TANF has been remarkably successful, using his own terms; yet the legislation they bring forward radically changes the program by putting more mandates on States and less opportunity to tailor the program to meet the needs of individual States and fails to give the resources necessary in order to accomplish the task.

Instead, they have suggested that poverty is rising because welfare recipients are not working hard enough. However, this suggestion falls flat when Members consider one basic fact: the welfare rolls have been declining as we continue to see an increase in poverty. That points out the fact that there are just no jobs available. We are going through a recession; it is not that we have welfare recipients who are failing to work. They cannot find jobs; and when they do find jobs, these jobs do not pay enough. They need job training and help to move up the economic ladder.

Mr. Speaker, we should be providing more child care assistance, more job training, and a higher minimum wage; and yet in all three of these areas, the majority and President Bush have resisted such reforms. In fact, as the gentleman from California (Mr. HERGER) points out, the Subcommittee on Human Resources is scheduled to mark up legislation tomorrow which is nearly identical to the same bill we have been debating for the last 3 years. In baseball, it is three strikes and you are out. Unfortunately, that does not apply here; otherwise perhaps we would finally get a bill that would be worthy of bipartisan support. We do not seem to be getting that from the majority.

While we are doing this, the other body is working on legislation, which I am happy to report. As the gentleman from California (Mr. HERGER) pointed out, the Senate Finance Committee has given a road map by recently reporting a bipartisan bill to improve

TANF. Let me underscore that. The Senate Finance Committee reported a bipartisan bill, a bill that represents give and take among all of the Members of the committee.

Mr. Speaker, I am not thrilled by all of the provisions in the bill that was marked up, but I think it does allow us to move forward to get a bill to the President's desk. It increases access to education rather than placing new limitations on education and training. It does not double work hours for mothers with young children. It does not include an open-ended superwaiver authority that could reduce protections for food stamps and housing benefits, and includes six times as much new child care funding compared to the bill that will be marked up tomorrow in our committee.

As I said, the Senate finance bill is far from perfect, and I hope it will improve when considered by the full Senate; but it represents a much better approach than the Republican bill in this body. I hope we can continue to work towards a long-term bill that reflects many of the improvements made in the Senate bill.

In the meantime, Mr. Speaker, I support this temporary extension of current law, hope we can work together, and hope we have a bill worthy of bipartisan support we can get to the President.

Mr. Speaker, I reserve the balance of my time.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in 2002 and 2003, this House passed long-term reauthorization legislation to encourage more work among welfare recipients and to provide more resources for States to assist low-income families. I am encouraged that last week the Senate Committee on Finance reported a welfare reform bill. Tomorrow, the subcommittee I chair will mark up long-term reauthorization, and it is my hope that over the next few months we can pass long-term legislation and send a bill to the President for his signature.

But until that happens, it is important that we continue these programs, so we do need to pass this bill. Therefore, I urge all my colleagues to support this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am here today to support the extension of the Temporary Assistance for Needy Families Block Grant Program through June 30, 2005.

For the ninth time since September 2002, the U.S. House today is attempting to pass another short-term extension of the nation's welfare system, by approving the Welfare Reform Extension Act of 2004 under our suspension calendar.

For the sake of the millions of families that remain in the welfare system, we need a final agreement that will help Americans achieve independence and a brighter future. While I am glad that the House Ways and Means Committee is taking action, it is still disturbing that we must continue to pass extensions rather than create a comprehensive reform that will help families for generations to come.

The 1996 welfare reform law authorized Temporary Assistance for Needy Families and related welfare programs through September 30, 2002. The House passed comprehensive welfare reauthorization bills in 2002 and 2003. The Senate's failure to approve a comprehensive reauthorization bill has forced both bodies to fund welfare programs since September 2002 through a series of short-term extensions, without any further improvements. The last short term extension from March 2004 is set to expire on June 30, 2005, until the U.S. Senate can complete its work.

Every day that passes without a comprehensive agreement means more low-income families depending on governmental assistance. It means less work and job preparation by parents. It means fewer child care and child support resources available to help families. It means more poverty. And it means more families going into debt and creating more obstacles to financial freedom. It's time to deliver on this vital legislation.

As chair of the Congressional Children's Caucus, I know that many of the people that will suffer from lack of comprehensive benefits are children. These children are not the ones who are making decisions for the family, but are the ones that are suffering from it. The government must step in and take a proactive role to see that such imbalances are set right. As we reauthorize TANF today, let's go one step further and create a working assistance program that has long term solutions.

Mr. HERGER. Mr. Speaker, I yield back the balance of my time.

Mr. CARDIN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from California (Mr. HERGER) that the House suspend the rules and pass the bill, H.R. 1160.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HERGER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1160.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDING INTERNAL REVENUE CODE OF 1986 PROVIDING FOR PROPER TAX TREATMENT OF CERTAIN DISASTER MITIGATION PAYMENTS

Mr. FOLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1134) to amend the Internal Revenue Code of 1986 to provide for the proper tax treatment of certain disaster mitigation payments.

The Clerk read as follows:

H.R. 1134

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROPER TAX TREATMENT OF CERTAIN DISASTER MITIGATION PAYMENTS.

(a) QUALIFIED DISASTER MITIGATION PAYMENTS EXCLUDED FROM GROSS INCOME.—

(1) IN GENERAL.—Section 139 of the Internal Revenue Code of 1986 (relating to disaster relief payments) is amended by adding at the end the following new subsections:

“(g) QUALIFIED DISASTER MITIGATION PAYMENTS.—

“(1) IN GENERAL.—Gross income shall not include any amount received as a qualified disaster mitigation payment.

“(2) QUALIFIED DISASTER MITIGATION PAYMENT DEFINED.—For purposes of this section, the term ‘qualified disaster mitigation payment’ means any amount which is paid pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as in effect on the date of the enactment of this subsection) or the National Flood Insurance Act (as in effect on such date) to or for the benefit of the owner of any property for hazard mitigation with respect to such property. Such term shall not include any amount received for the sale or disposition of any property.

“(3) NO INCREASE IN BASIS.—Notwithstanding any other provision of this subtitle, no increase in the basis or adjusted basis of any property shall result from any amount excluded under this subsection with respect to such property.

“(h) DENIAL OF DOUBLE BENEFIT.—Notwithstanding any other provision of this subtitle, no deduction or credit shall be allowed (to the person for whose benefit a qualified disaster relief payment or qualified disaster mitigation payment is made) for, or by reason of, any expenditure to the extent of the amount excluded under this section with respect to such expenditure.”.

(2) CONFORMING AMENDMENTS.—

(A) Subsection (d) of section 139 of such Code is amended by striking “a qualified disaster relief payment” and inserting “qualified disaster relief payments and qualified disaster mitigation payments”.

(B) Subsection (e) of section 139 of such Code is amended by striking “and (f)” and inserting “, (f), and (g)”.

(b) CERTAIN DISPOSITIONS OF PROPERTY UNDER HAZARD MITIGATION PROGRAMS TREATED AS INVOLUNTARY CONVERSIONS.—Section 1033 of such Code (relating to involuntary conversions) is amended by redesignating subsection (k) as subsection (l) and by inserting after subsection (j) the following new subsection:

“(k) SALES OR EXCHANGES UNDER CERTAIN HAZARD MITIGATION PROGRAMS.—For purposes of this subtitle, if property is sold or otherwise transferred to the Federal Government, a State or local government, or an Indian tribal government to implement hazard mitigation under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as in effect on the date of the enactment of this subsection) or the National Flood Insurance Act (as in effect on such date), such sale or transfer shall be treated as an involuntary conversion to which this section applies.”.

(c) EFFECTIVE DATE.—

(1) QUALIFIED DISASTER MITIGATION PAYMENTS.—The amendments made by subsection (a) shall apply to amounts received after the date of the enactment of this Act.

(2) DISPOSITIONS OF PROPERTY UNDER HAZARD MITIGATION PROGRAMS.—The amendments made by subsection (b) shall apply to sales or other dispositions after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. FOLEY) and the gentleman from Maryland (Mr. CARDIN) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. FOLEY).

GENERAL LEAVE

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. FOLEY. Mr. Speaker, I yield myself such time as I may consume.

First, let me thank the gentleman from California (Mr. THOMAS), chairman of the Committee on Ways and Means, for his consideration and expeditious handling of this bill in allowing us to bring it to the floor. I will include for the RECORD the statement of the gentleman from California (Chairman THOMAS), but first let me read two paragraphs which crystallize the need for the debate.

The gentleman from California states: “Mr. Speaker, I strongly support H.R. 1134 which embodies the President’s budget proposal to provide tax relief to those who will and who have accepted Federal Emergency Management Agency disaster mitigation grants. The bill is necessary to promote effective use of the mitigation grants. These mitigation grants alleviate the severity of the damage caused by unpredictable but anticipated natural disasters. These grants save taxpayer dollars by reducing future Federal disaster relief payments resulting from such disasters.”

If I can read the last paragraph of the statement of the gentleman from California (Mr. THOMAS): “H.R. 1134 will cut taxes by \$105 million over the next decade. FEMA estimates that mitigation projects over the past several years have saved our Nation nearly \$3 billion in disaster-related costs. Clearly, when one compares the price of H.R. 1134 with what we might pay in future relief efforts, this bill is worth moving forward and passing into law.”

Mr. Speaker, I rise personally in strong support of H.R. 1134. As a member of Florida who has experienced three hurricanes which made landfall in my district and a fourth which came through the panhandle, out across North Carolina, back into the Atlantic, and made its way back to my district, my congressional district in essence suffered four disasters this past year.

I strongly support H.R. 1134 and ask and thank my colleagues on both sides of the aisle for their help and efforts in bringing this to fruition on the floor. It is a very simple bill. It simply says those taxpayers who receive help under FEMA’s hazard mitigation grant program will not be penalized under the Tax Code for receiving that help. It ex-

empts these grants from being considered income for tax purposes.

The FEMA mitigation program has been around for 15 years. It has helped property owners who live in disaster-prone areas avoid future disaster damage through mitigation projects in conjunction with State and local government agencies. In its 15 years, it has helped more than 2,500 properties and saved \$2.9 billion in property losses. Never once have these grants been taxed, nor were they ever intended to be.

But the IRS decided last summer that unfortunately nothing specifically in tax law allows the tax exemption, and it let people know these FEMA grants would be considered taxable unless Congress directed otherwise. Therein lies the urgency of our effort. That is why 87 Members of the House have signed onto H.R. 1134; and that is why we are here today, to ensure that those who participate in mitigation projects are not punished for doing so.

Mr. Speaker, these grants help save both property and lives from the wrath of tornadoes, hurricanes, floods, earthquake, and other disasters. They also help save the Federal Government money in the long run through emergency disaster spending. To penalize taxpayers for accepting help in mitigating future and costly property damage is simply penny wise but pound foolish. Fifteen years ago Congress authorized these programs, but unwittingly neglected to spell out that they are, indeed, tax exempt, like many, many other disaster grant programs. We are here today to correct that oversight.

Mr. Speaker, I reserve the balance of my time.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me start by thanking the gentleman from Florida (Mr. FOLEY) for his leadership on this issue, for bringing forward this legislation. It certainly is a bill that will help those who have been victims of natural disasters and a bill of which I am a cosponsor and strong supporter.

Thousands of Americans in all parts of our country have faced tragedy brought by natural disasters in the past year. Whether in the form of hurricanes in the Southeast, or torrential and resulting mudslides in the West, many Americans have had to deal with Mother Nature’s forces and have faced the daunting task of reassembling their homes and lives in the aftermath.

H.R. 1134 aims to offer some relief to Americans who, as a result of these unpredictable natural disasters, will suffer personal and property losses.

FEMA helps those affected get through the difficult times following such disasters; but today, Congress is taking our own role, one step closer to helping these victims. I am proud to join my colleagues and 84 additional bipartisan cosponsors of H.R. 1134, which will allow an exclusion from taxes for relief payments made to tax-paying

Americans for efforts taken to mitigate some of the possible effects of natural disasters.

Mr. Speaker, this not only helps the victims because it gives them some relief from having the burden of paying the taxes on these funds; but it also encourages mitigation, which is by far the priority, to try to mitigate the future damages caused through unpredictable natural disasters.

Americans can benefit from taking steps to prevent the extent of damage that could occur during these times of natural disaster, and we should encourage such steps being taken. Today we have the opportunity to vote on H.R. 1134 and offer some additional assistance to Americans at a time when many might need that help the most.

I know this does not do everything for everyone, and we will certainly be hearing from my colleague from New York who has a valid point, but I urge my colleagues to take the step we have available today to help those receiving assistance through FEMA for mitigation funds so it becomes more of a reality to these victims. They have suffered enough. We can help through this legislation.

Mr. Speaker, I reserve the balance of my time.

□ 1515

Mr. FOLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. PORTMAN), a member of the Committee on Ways and Means.

Mr. PORTMAN. Mr. Speaker, I rise in strong support of the gentleman from Florida's legislation that would make clear that property owners who participate in hazard mitigation projects will not be taxed on the mitigation assistance. This legislation is very important because it reverses a June 2004 IRS ruling which determined that Federal FEMA hazard mitigation assistance represented taxable income to participating individuals and businesses.

I want to commend the gentleman from Florida for his legislation and for his leadership on this. I want to thank the gentleman from California (Mr. THOMAS) also for ensuring its expeditious consideration today on the floor. This legislation is very important to Ohio. Passage of it will encourage our disaster impacted communities and our citizens to seek out mitigation assistance and limit damage to property and to people.

Mitigation is absolutely crucial to ongoing disaster recovery efforts in my State of Ohio which in the past 18 months has had seven Federal disasters. In most cases mitigation assistance is used to elevate the homes to a better level of protection or move families out of harm's way. It is often the only hope for repetitive loss disaster victims. The intent is to prevent those homes from suffering future losses, protect the people and reduce the rate of Federal disaster response and recovery cost increases. Many of the people

who have taken advantage of such assistance are people living in lower valued property in the flood plain who could not afford to move on their own.

In Ohio, the hazard mitigation grants through FEMA are administered by the Ohio Emergency Management Agency. Currently in southwestern Ohio there is one project in the district I represent, the village of Fairfax, and there is one right near my district in the city of Fairfield.

Through community support, both of these mitigation projects are in the process of removing people from repeated flooding areas and making homes more resilient to flooding. A total of 46 participants in these two projects include many families who will likely not have to suffer severe impact to their homes the next time it should flood, and it will flood again. They also, very importantly, would be unlikely to need any other Federal or State disaster assistance. The total cost of these projects is about \$4.5 million. Taxing this investment into these communities and the lives of these homeowners like those in Fairfax will discourage future participation. If the IRS rule is allowed to stand, these communities will be hesitant to participate in mitigation because of that liability.

This IRS policy undermines our Nation's efforts to lower the costs of future disasters through mitigation. It also discourages individuals who are affected by repeated disasters from removing themselves from harm or taking action to prevent repeated damage loss and property loss, the very actions we are trying to encourage as the Federal Government. Today we have an opportunity to correct this disincentive.

Mr. Speaker, I strongly support H.R. 1134 and I urge my colleagues to support it.

Mr. CARDIN. Mr. Speaker, I am pleased to yield 6 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Speaker, I thank the gentleman for yielding me this time and for his leadership. I am delighted to join my colleague from Florida (Mr. FOLEY) on the other side of the aisle in support of this legislation. The bill before the House does the right thing for the disaster victims of Florida and Louisiana, but it does wrong, truly wrong, for the New York victims of the September 11 terrorist attacks. I would like to appeal to my colleague on the other side of the aisle to join me in trying to reverse the unfair taxation on grants to the victims of 9/11, specifically the businesses, as we go forward.

When thousands of lower Manhattan small businesses were on the brink of complete failure as a result of September 11 and the terrorist attack against our country, these businesses accepted Federal recovery grants but were then told months later that those grants would be taxed and treated as income. That, in my opinion, wrongful

taxation was the straw that broke the back of many small businesses in New York after 9/11 and it continues to this day to be a burden on small businesses who were forced to take out loans to pay taxes on disaster recovery grants. Granted it was not a FEMA mitigation grant but it was a disaster recovery grant, so it was in the same feeling or in the same purpose as the legislation before us.

What causes me so much concern today, Mr. Speaker, is that we have sought the same treatment, the exact same treatment for 9/11 victims for more than 3 years that the Members are seeking today for victims in their States. Along with the gentleman from New York (Mr. NADLER) and the bipartisan delegation of New York, I have introduced legislation to reverse taxation on the 9/11 aid grants. We have offered amendments to reverse this taxation with the active support of the gentleman from New York (Mr. RANGEL), Ways and Means members and others from the New York delegation. We have testified before the Committee on Rules, made numerous speeches before this body, sought hearings for the legislation and held countless events to seek action from House leaders to reverse this wrongful taxation on 9/11 aid grants. We have been trying for more than 3 years to have the small business victims of 9/11 treated fairly, but this body has not found a way as yet to advance that legislation. Again, I am appealing to my colleagues from Florida and Louisiana to help our constituents as they are helping theirs today.

Now, today, we are watching a bill sail to the floor for passage, without a hearing, without a markup in committee, without any of the months and years of effort that the New York delegation and business leaders from New York City have put into seeking redress for 9/11 disaster victims that were treated unfairly and wrongly.

Let me be absolutely clear that I find no fault with the repeal of wrongful taxation on the recovery grants for Florida and Louisiana victims of disaster. I feel they are entitled. The purpose of disaster relief is to relieve them, to get that money back in the community, to help them restore and be made whole, not to tax it. But I do find fault with the exclusion of 9/11 victims in this bill when we have fought so long and so hard to achieve the exact same fairness for them. If the Federal Government should not collect taxes on aid to hurricane victims, then it should not collect taxes on 9/11 relief grants which is truly the worst disaster that this country has ever suffered. It is an act of war. We are still suffering from that terrible, terrible action against innocent people.

I again want to make clear that I am supporting the legislation. I would like to place in the RECORD a report from the Joint Committee on Taxation where they estimated that approximately \$268 million was sent back to Washington in the form of taxes on the

relief grants following 9/11. It is unfair to New York and to those who suffered the most from the terrorist attacks against our Nation.

I call upon the authors of this legislation and the gentleman from Florida (Mr. FOLEY), whom I know has many friends in New York and has been a strong ally in working with the recovery of New York after 9/11, and I call upon the House leadership and appropriate committee chairmen to do the right thing for the 9/11 victims. I really implore my colleagues on the other side of the aisle to do the right and fair thing for the victims of 9/11 because of the wrongful taxation on their recovery grants and we call upon this body to treat them with the same attention and care that we are rightfully showing to the victims of disasters in other parts of our Nation today.

Again, I support this legislation. Again, I appeal to my colleagues on the other side of the aisle to give the like, same fair treatment to the sufferers and the victims and the grants for 9/11.

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON TAXATION,
Washington, DC, June 17, 2003.

Hon. CAROLYN MALONEY,
House of Representatives,
Washington, DC.

DEAR MS. MALONEY. This letter is in response to your request of June 9, 2003, for a revenue estimate of a proposal to exclude from gross income certain Federal funds granted as a result of the terrorist events of September 11, 2001.

In general, under present law, unless income is received for "general welfare" or for compensation for losses that are not otherwise compensated, grants from the Federal government are included in income. To the extent not already excluded under present law by the general welfare doctrine or otherwise, your proposal would exclude from gross income payments of certain Federal funds made as assistance on account of property or business damaged by, and for economic revitalization directly related to, the terrorist attacks on the United States that occurred on September 11, 2001.

Assuming that your proposal would be enacted on July 1, 2003, and effective for taxable years ending after September 11, 2001, we estimate that your proposal would have the following effects on Federal fiscal year budget receipts:

<i>Fiscal years</i>	<i>Millions of dollars</i>
2003	-24
2004	-135
2005	-61
2006	-30
2007	-11
2008	-5
2009	-2
2010	—
2011	—
2012	—
2013	—
2003-08	-266
2003-13	-268

I hope this information is helpful to you. If we can be of further assistance in this matter, please let me know.

Sincerely,

GEORGE K. YIN.

Mr. FOLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. ISTOOK) who has been extraordinarily helpful in the promulgation of both this bill and, of course,

working with the State of Oklahoma in creating safe rooms and other mitigation grant programs.

Mr. ISTOOK. Mr. Speaker, I appreciate very much the assistance of the gentleman from Florida (Mr. FOLEY), the actions of the Committee on Ways and Means and the gentleman from California (Mr. THOMAS), and I rise in support of this bill, H.R. 1134.

My home State of Oklahoma in the last 15 years has received some \$60 million in mitigation grants to help people avoid potential injury from tornadoes through the construction of storm shelters and safe rooms. It is important that they not be told now that those are subject to taxation, when they are being told or had been told throughout this time that, no, this is not taxable, this is to protect you, because, after all, we know that although you can move out of the flood plain, you can move away from the coast, you can stay clear of an earthquake fault line but tornadoes hit everywhere and they have wind speeds of up to, in fact, in some cases over 300 miles an hour, twice as much as the wind speed you have in a hurricane. They occur in Oklahoma, but they also occur in Massachusetts. They occur in Wisconsin and Illinois and Missouri and Alabama and Ohio and Texas. You cannot mitigate in advance by moving someplace where you know that it cannot happen.

It is important that we not improperly subject people now from the construction of these shelters to taxation on them. Thousands of them have been constructed in Oklahoma and I do not want them to be subjected to taxation. It is important that we understand that although this bill says, from henceforth these are not going to be taxable, it is my understanding that the Treasury Department says that this change in the tax law will give them the authority to go back and declare the prior grants not to be taxable, also. We are expecting that letter from the Treasury Department after the passage of this bill, and I look forward to that.

I thank the gentleman from Florida for this legislation and I ask all of my colleagues to join with me in passing H.R. 1134.

Mr. FOLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. JINDAL), a new Member of Congress who has been a very active participant in helping us bring this legislation to the floor.

Mr. JINDAL. Mr. Speaker, I want to applaud the gentleman from Florida (Mr. FOLEY), and I want to thank the gentleman from California (Mr. THOMAS) for allowing us to debate this very important bill. I would certainly urge support from all my colleagues to correct an injustice. Certainly there are many families impacted in Louisiana by this new tax ruling from the IRS.

I want to focus on two families in particular. To avoid repeating much of what has already been said, I want to focus on two families in particular that

will be helped by the passage of H.R. 1134. First, I would turn your attention to the Guidry family. They live in Slidell, Louisiana. They are constituents of mine. They received \$125,000 to mitigate flood damage and to protect them against future loss. A good thing, you might say, after their home was damaged in Hurricanes Isadore and Lili. Indeed, it was a good thing that our government stepped in to help them recover not only from this natural disaster but also to prevent future flood damage and to protect this family from future damage and also to protect the Federal Treasury. However, with this new ruling, this novel ruling from last year, this new ruling that their income tax would now have to increase, not only were they raised and put into a higher tax bracket but their son who is paraplegic and who attends college on a need-based Pell grant is now being faced with the prospect of losing his financial aid and having to drop out of school if we do not pass this bill. This same family, the Guidry family, is also facing the prospect of having to sell the home in order to pay the taxes for the grant they received to fix the home that they owned in the first place. Certainly this is not what this body intended when we provided assistance and recovery dollars to those that are impacted by natural disasters.

A second example. Mike Perkins, also from Slidell, received a grant back in 2001 to raise his home again to prevent future floods and also to save our Treasury from future damage claims. He finished construction 3 years ago, thought this was a closed issue, has been living in this home for over 3 years since he repaired his home, raised the home, until he got a letter from his local government in January saying that now, after the fact, he would have to pay higher taxes.

I am very pleased not only for the support from the gentleman from Florida (Mr. FOLEY) and from the gentleman from California (Mr. THOMAS) but also from the Treasury Department. I am also anticipating a letter from the IRS indicating that they do not intend to go back in time and retroactively apply these higher taxes, these surprise taxes to people who received grants in previous years, adding insult to injury to those who are recovering from natural disasters.

I urge my colleagues to support this bill.

Mr. FOLEY. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Washington (Mr. REICHERT), a new Member and former sheriff of King County.

Mr. REICHERT. Mr. Speaker, I rise today to speak on a bill that quite frankly is common sense. Thousands of Americans reach out to the Federal Emergency Management Agency in times of disaster. Their homes have been battered and decimated by earthquakes, volcanoes, tornadoes, floods and more. In these moments of despair, they look to the Federal Government

for help and we provide that help. Through FEMA, Americans are able to get back on their feet in financial situations where they normally would have no other resource. Emergency grants are just that, emergency funding, money to be spent in extreme circumstances, to get a roof back on a family's home, to put a missing wall back on a community resource center, to coordinate local outreach for first responders. These funds were never intended to be taxed.

The gentleman from Florida seeks to relieve an unfair tax provision today, to make sure that in times of crisis we are not looking to take these emergency funds and treat them as regular income.

□ 1530

FEMA disaster grants are lifesaving funds, not added income. This bill is critical. I thank my colleague for introducing this important legislation and urge the House to pass it as soon as possible.

Mr. FOLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. FITZPATRICK), a member of the Committee on Financial Services, another active participant in our efforts to get the bill on the floor today.

Mr. FITZPATRICK of Pennsylvania. Mr. Speaker, I rise in support of H.R. 1134. The Federal Emergency Management Agency's flood mitigation program is one of the cornerstones of our country's disaster emergency management system. The flood mitigation program is the tangible manifestation of the Federal Government's ongoing effort to prevent damage and lessen the effect disasters have on persons' lives and property.

Through FEMA's measures such as building safely within the floodplains, buying endangered houses, relocating homes, designing and reengineering buildings and infrastructures, and elevating houses and businesses, the effect of floods, hurricanes, and other natural hazards on American lives and communities is lessened.

I congratulate the gentleman from Florida (Mr. FOLEY), whose Florida congressional district, like my district, has been ravaged by hurricanes and flooding, for sponsoring H.R. 1134. I also commend all of the House Members who have co-sponsored this bill and who have helped bring it to the floor today.

Mr. Speaker, H.R. 1134 is necessary legislation. It will amend the Internal Revenue Code so as to provide for the proper tax treatment of disaster mitigation payments. Currently, the IRS has taken a position that such disaster relief payments will be treated as taxable. In a heavy-handed fashion the IRS's fashion truly kicks people while they are down.

But H.R. 1134 does more. It not only provides tax relief to individuals who have suffered, often losing their homes and businesses from floods; it will en-

courage Americans to participate in FEMA's flood mitigation program.

Mr. Speaker, I know firsthand the necessity of H.R. 1134. In 1999 when hurricanes hit, I was a county commissioner in Bucks County, Pennsylvania. The rains and the flooding were devastating. The flooding along the Neshaminy Creek wiped out over 300 homes and over 100 businesses. I was on the ground dealing with FEMA and with other disaster agencies. We were there. We dealt with the individuals and the families. We encouraged the citizens to participate in these Federal programs that will reduce Federal programs and funding requirements in the future. The Federal Government assured my constituents, Mr. Speaker, that those proceeds would not be taxable.

So this is the right bill at the right time, and I urge the passage of H.R. 1134.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me once again urge my colleagues to support this legislation. I was listening to my colleagues speak, and there is not a region in this country, there is not a State in this country that has been subjected to natural disasters. In my own State Hurricane Isabel left an indelible mark upon the people of Maryland, and I saw firsthand the people who suffered as a result of that natural disaster and the need to do mitigation and FEMA-providing resources in order to assist us to take action to prevent this type of devastation in the future. This bill will help in dealing with those types of circumstances.

And once again I want to congratulate the gentleman from Florida (Mr. FOLEY) for bringing this forward. This is strongly supported on both sides of the aisle, and we urge our colleagues to support the legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. FOLEY. Mr. Speaker, I yield myself such time as I may consume.

Let me again personally thank the gentleman from Maryland (Mr. CARDIN) for both his co-sponsorship and his helping us in bringing this bill to the floor today. I want to thank the gentleman from New York (Mrs. MALONEY) in her considered comments. I want to thank the gentleman from Ohio (Mr. PORTMAN); the gentleman from Louisiana (Mr. JINDAL); the gentleman from Washington State (Mr. REICHERT); the gentleman from Pennsylvania (Mr. FITZPATRICK) for their comments; and of course the gentleman from Oklahoma (Mr. ISTOOK), who has worked with me side by side on this measure, bringing it to the floor today.

I think we have heard from all of the speakers the reasons for this important legislation; so I thank my colleagues for taking an active participating interest in this legislation. I thank the 87 co-sponsors who joined with us in urging the leadership to bring this measure to the floor. Again, thanks to the

gentleman from Texas (Mr. DELAY) for allowing the bill to be scheduled for consideration; and of course the gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means, without whose guidance and help this bill would not be possible.

We know it is important. We believe it helps mitigate against future losses. The record is clear how much we save as a government by providing these mitigation grants that never were intended for taxable treatment. This bill makes that record clear. I underscore and underline the gentleman from Oklahoma's (Mr. ISTOOK) comments concerning reactivity. We believe once this bill is passed into law and signed by the President that those prior acts of governments working together to mitigate disasters will not be taxable items. That should be coming from the Treasury to instruct the IRS relative to that procedure.

Mr. Speaker, I want to also thank my staff, Liz Nicolson. I want to thank the Members of the Ways and Means staff: Bob Winters, Chris Giosa, Shahira Knight, Allison Giles; and of course my colleagues on the Senate side, Senators BOND and LANDRIEU, for their efforts in bringing this bill to the Senate.

Mr. DAVIS of Florida. Mr. Speaker, today I rise before this House as a proud Floridian. Over this past year the people of my home State have demonstrated an amazing amount of tenacity and the ability to help each other in their great time of need. Yes, it has been quite a few months since the Hurricane season of 2004 ravaged us, but the sight of blue tarps replacing roofs on homes and piles of debris are still all too rampant—and in only 12 weeks the Hurricane season of 2005 will be upon us. I am pleased to stand before this chamber in support of Congressman FOLEY's effort to ease the pain for those who were affected by the tragic events of this last hurricane season.

Sadly, the reality of these kinds of natural disasters is that many businesses never reopen and unemployment remains high long after the storms have gone. The Florida tourism industry is still very bruised because of canceled seasons and slower recovery times in certain areas of the State. By exempting hazard mitigation grants from being considered personal income for tax purposes, we are easing the path to recovery for a large number of Floridians.

While this legislation won't remove all of the obstacles that these storms have put in our way, it certainly will be a useful tool in the effort to fully recover.

Ms. ESHOO. Mr. Speaker, I'm pleased to rise today in support of H.R. 1134, a bill to exempt FEMA's mitigation grants from federal income taxes, as was Congress's original intent. I commend my colleagues for their swift, bipartisan action in addressing this issue.

These mitigation grants were created to give citizens a proactive way to prepare for future disasters, thereby minimizing the damage they cause. These grants have proved to be extremely successful, saving millions of dollars in post-disaster funding as well as lives lost to natural disasters. Despite this success, the IRS ruled in June of 2004, that these grants

should be included in grant recipients' gross income and be subject to federal income taxes. Taxing this assistance effectively removes the incentive for citizens to participate.

Not only was this decision contrary to the intent of these grant programs, but the delay in notifying affected taxpayers has caused considerable alarm. I met personally with IRS Commissioner Everson to urge him to provide temporary relief while Congress worked toward a legislative solution, but without a reversal of the IRS ruling, it is essential that the House pass this bill today.

In Felton Grove, one of the affected areas of my Congressional District, there are 30 families, many of them low-income, who are facing an enormous and unexpected tax burden this year. Many of these constituents earn between \$30,000 and \$40,000 a year. With grant averages from \$40,000 to \$160,000, if this determination is allowed to stand, some of my constituents' annual gross incomes will grow from \$40,000 to \$200,000. For these unfortunate constituents, nearly all of their annual income will have to be paid to the IRS, and many will face financial ruin.

Mr. Speaker, on behalf of my constituents who are living in fear of the upcoming April 15th tax filing deadline, I urge my colleagues in the House to vote for this legislation so that it can become law.

Mr. BOUSTANY. Mr. Speaker, I rise today in support of H.R. 1134, which will amend the tax code to remove disaster mitigation payments from consideration as gross income. I would like to thank my colleague, Mr. FOLEY of Florida, and my colleague, Mr. JINDAL, for their leadership on this issue and introducing the legislation we consider here today.

The Seventh Congressional District of Louisiana provides an unsurpassed location for agriculture, energy, and petrochemical production. However with these benefits, which our Nation depends heavily upon, come risks because of its vulnerability to natural disasters including floods, tornadoes, and hurricanes. In 2002, Hurricane Lili made landfall just south of Abbeville, Louisiana. She caused over \$850 million in damage and temporarily halted all oil and gas production in the Gulf of Mexico. The hard-working men and women of southwest Louisiana will continue to take risks for good of this country, and it is only fair to remove the tax burden suffered because of improvements made to their property which allow them to remain and prosper in this sometimes dangerous region.

Many homeowners who would like to participate in the grant and need to remove their homes from danger cannot currently afford to participate in the grants, and are either faced with increased flood insurance premiums or losing their homes. The current average cost to either elevate a slab structure or a second story conversion (all living area is moved to a new second story and first floor is gutted) is over \$100,000 for a modest size home in Louisiana. Many of these projects approach \$200,000. For the average homeowner to suddenly have to declare an additional

\$100,000—\$200,000 as personal income will devastate most families. Tax liability should not discourage these people from accepting disaster mitigation payments intended to reduce injuries, loss of life, and damage and destruction of property.

America depends on resources and services that are provided by the people of southwest Louisiana. The men and women I represent must remain in harm's way to deliver for others. It is for this reason that I support H.R. 1134 which offers tax relief to those families needing disaster mitigation payments.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today as a supporter of H.R. 1134 which would amend the Internal Revenue Code of 1986 to provide for the proper tax treatment of certain disaster mitigation payments. This legislation is vital to all Americans who live in areas that are more likely to encounter natural disasters. This legislation ensures that grants given to disaster victims to avoid future disaster damage will not be taxed on those grants.

FEMA has helped disaster victims avoid future disaster damage through a hazard mitigation program that has existed for about 15 years, helped more than 2,500 properties and saved \$2.9 billion in property losses. These disaster prevention grants have never before been taxed nor were they ever intended to be. However, the IRS decided last summer that nothing in tax law specifically prevented taxation, and felt obliged to let people know they would be considered taxable unless Congress directed otherwise. Thankfully, this legislation alleviates the possible tax burden on those who accept these disaster prevention grants. Considering that these grants tend to number in the thousands of dollars, it is clear that the tax burden on these grants would be too much for the average individual to bear. H.R. 1134 allows individuals to accept these vital disaster prevention grants without fear of possible tax implications and that is quite clearly how the program is supposed to work.

H.R. 1134 will also be of great help to my constituents in the 18th Congressional District of Texas. Houston due to its location and geography has always been particularly vulnerable to flooding. In 1900 a major hurricane destroyed much of Galveston Island, killing more than 6,000 people. An elevated barrier, the Sea Wall, was later constructed to hold back future storm surge and flood waters, allowing the city to thrive. This is a clear example of how projects for disaster prevention can be tremendously successful in alleviating future damage. Houston was again devastated in 2001 when Tropical Storm Allison displaced thousands of Houstonians and left \$5 billion in damage in the wake of its flood waters. I am thankful that the FEMA grants that were given to individuals after that natural disaster were not taxed, otherwise many individuals would have to reject these grants out of fear of an overwhelming tax burden. This legislation makes certain that no victim of a natural disaster has to choose between accepting federal disaster assistance or contemplating its tax implications.

Mr. THOMAS. Mr. Speaker, I strongly support H.R. 1134, which embodies the President's budget proposal to provide tax relief to those who will and who have accepted Federal Emergency Management Agency (FEMA) disaster mitigation grants.

The bill is necessary to promote effective use of the mitigation grants. These mitigation grants alleviate the severity of the damage caused by unpredictable but anticipated natural disasters. These grants save taxpayer dollars by reducing future Federal disaster relief payments resulting from such disasters.

Present law allows an income exclusion for amounts received by individuals as qualified disaster relief payments. This exclusion was enacted by Congress as a response to the disasters that occurred on September 11, 2001. This existing statutory exclusion applies only to amounts received by individuals as a result of a disaster that has actually occurred; thus, mitigation grants do not qualify. Given that an exclusion applies to payments made to victims after a qualified disaster, it is consistent to allow an exclusion for payments made to mitigate future disaster damage.

Prior to the award of any mitigation grant, a cost-benefit analysis is required to ensure that the cost of funding the project is less than the damages expected to be incurred in the event of an actual disaster (absent the mitigation). FEMA mitigation grants are only awarded if projects are determined to be cost effective. Because mitigation is more cost effective for the Federal government than repair after the occurrence of a disaster, the FEMA mitigation programs are intended to translate into net benefits for the government. So, unlike grants which have been made available as income replacements and would be considered taxable income as a result, accepting these funds means taxpayers will face fewer claims for disaster aid later on. FEMA mitigation grants help people avoid the loss of life and property due to natural disasters. Mitigation programs reduce the number of cases where taxpayers would pay for meaningful disaster relief. We want to encourage people to take advantage of these life-saving and cost-saving programs.

But recent IRS pronouncements that disaster mitigation grants are taxable income are discouraging people who live in flood-prone areas and elsewhere from accepting assistance needed to reduce the loss of life and property in future disasters. Some participants may not have the cash necessary to pay the tax imposed on the benefits provided by the mitigation grants. For people in potential disaster areas, the threat of immediate tax on something they have received in kind may be enough to keep them from accepting the help.

H.R. 1134 is relatively simple. If FEMA funds are used to improve a dwelling, for example, the funds (and what they pay for) would not be treated as income when the improvements are made, but the owner would also not be able to get a double benefit by adding the value of the improvements to the cost basis of his property. In some cases, FEMA actually funds buyouts of owners in dangerous areas. Here, H.R. 1134 gives the owner a choice: they can take the benefits which may be available under current law (for example, the exclusion of gains on a principal residence) or they can defer tax using involuntary conversion procedures.

The bill includes several provisions to ensure that the exclusion is not overly broad. Not only does the bill provide that there is no increase in basis on account of amounts excludable under the bill, the bill also provides that no additional deduction or credit is allowed with respect to amounts excluded from income. Amounts received upon the sale of

property for purposes of hazard mitigation are afforded deferral of gain recognition, rather than an unlimited income exclusion.

The exclusion under the bill applies to payments made to businesses because, unlike other grants that are not excludable because they are in the nature of income replacement, FEMA mitigation payments received by businesses are made to ultimately benefit the local community and Federal government.

An income exclusion is appropriate for FEMA mitigation grants as such grants are distinctly different from other government grants. As mentioned, FEMA mitigation grants are only awarded if the projects are determined to be cost effective for the government. In addition, in the case of FEMA grants, if an exclusion is not allowed and individuals choose not to participate in the mitigation programs, the government may face increased spending, not only on behalf of one individual, but on behalf of entire communities in some cases. Finally, in the case of FEMA grants, present law imposes an illogical result in that mitigation grants are not excludable from income, but if mitigation grants are not accepted and a disaster subsequently occurs, payments made by the government to individual property owners could then be excluded from income.

Generally, the proposal would have a prospective effective date. However, with respect to past mitigation payments where the statute of limitations has not expired, the President's proposal provides that the Treasury Department will have administrative authority to apply the policy proposed in the budget and embodied in H.R. 1134 to such cases. I strongly urge the Department of Treasury and the IRS to resolve existing cases in a manner consistent with this legislation so that taxpayers who have already undertaken mitigation will not bear the unexpected burden of extra tax liabilities.

H.R. 1134 will cut taxes by \$105 million over the next decade. FEMA estimates that mitigation projects over the past several years have saved our Nation nearly \$3 billion in disaster-related costs. Clearly, when one compares the price of H.R. 1134 with what we might pay in future relief efforts, this bill is worth moving forward and passing into law.

Mr. COLE of Oklahoma. Mr. Speaker, I rise today in support of H.R. 1134. This important legislation prevents the IRS from taxing disaster mitigation grants provided by FEMA.

This legislation is necessary and urgent due to the IRS's recent decision that Federal grant money used to build tornado shelters is taxable. Oklahomans who received the grants were not given any prior notice that money received would be taxable. Nor did Congress ever express the intent that such grants were to be taxable. The IRS simply conjured up this decision out of thin air.

It makes no sense for the government to tax Federal money given to mitigate disasters. Disaster relief saves lives, limits damages and makes sense. Taxing the very grants that make this possible is not wise, and it is especially unfair given that this IRS decision will cost the taxpayers of Oklahoma \$29 million over 5 years. These FEMA grants were given to thousands of Oklahomans with the average grant in the amount of \$2,000. And, as I said earlier, the recipients were never advised that these grants would be taxable.

No revenue has ever been collected from taxing FEMA grants. The IRS's decision is

without precedent and reflects poorly on the career bureaucrats who devised this action. H.R. 1134 reverses this senseless bureaucratic decision and prohibits these grants from being taxed.

I want to thank the gentleman from Florida, Mr. FOLEY, the gentleman from Louisiana, Mr. JINDAL, the Oklahoma delegation and the Ways and Means Committee for making consideration of this legislation possible. I would urge Members to support passage of this legislation.

Mr. FOLEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Florida (Mr. FOLEY) that the House suspend the rules and pass the bill, H.R. 1134.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

HOUSE DEMOCRACY ASSISTANCE COMMISSION RESOLUTION

Mr. BARRETT of South Carolina. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 135) providing for the establishment of a commission in the House of Representatives to assist parliaments in emerging democracies.

The Clerk read as follows:

H. RES. 135

Resolved,

SECTION 1. SHORT TITLE.

This resolution may be cited as the "House Democracy Assistance Commission Resolution".

SEC. 2. FINDINGS.

The House of Representatives makes the following findings:

(1) Since its founding, the United States has championed the expansion of democracy around the world.

(2) Indeed, beginning with the Continental Congress and continuing through the modern Congress, representative institutions have served as a critical component through which the American people have expressed their views on policy issues and through which the power of other government branches has been balanced.

(3) In his second inaugural address on January 20, 2005, President George W. Bush declared: "We are led by events and common sense to one conclusion: The survival of liberty in our land increasingly depends on the success of liberty in other lands. The best hope for peace in our world is the expansion of freedom in all the world. . . . So it is the policy of the United States to seek and support the growth of democratic movements and institutions in every nation and culture, with the ultimate goal of ending tyranny in our world."

(4) Strong institutions, particularly national legislatures with proper infrastructure, are essential for democracies to mature and to withstand cyclical turnover in governments.

(5) Furthermore, the parliaments of emerging democracies are commonly comprised of new legislators, citizens from many walks of life, who face the challenges of creating new democratic systems without the benefit of previous legislative experience. The legislatures of these fledgling democracies often

lack training, equipment, or resources to carry out their work effectively.

(6) Many parliaments do not possess the necessary technology, such as modern computer equipment, software, or access to databases and electronic resources, to facilitate the timely flow of legislative information to lawmakers and legislative staff.

(7) Parliaments in fledgling democracies also frequently lack trained staff to provide nonpartisan policy information, to draft legislation, and to advise legislators on policy matters.

(8) Newly democratic parliaments may lack the resources to establish internal libraries, reference materials, and archiving capabilities for use by legislators and staff.

(9) From 1990 through 1996, the United States House of Representatives, in conjunction with the House Information Systems Office (later known as House Information Resources) and the Congressional Research Service (CRS) of the Library of Congress, provided equipment and technical assistance to newly democratic parliaments in Central and Eastern European countries, including Albania, Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Russia, Slovakia, and Ukraine, in an effort to develop and strengthen those institutions.

(10) This program, commonly known as the "Frost-Solomon Task Force", not only served the United States foreign policy goal of helping to establish democratic institutions in other countries, but also developed significant goodwill in the countries in which it was implemented. The program was designed to improve the efficiency of parliaments and the professionalism of their members and staff, as well as to increase transparency and accountability.

(11) A program similar to the Frost-Solomon Task Force would enable Members, officers, and staff of the House of Representatives to share their expertise and experience with their counterparts in other countries, in keeping with the declared policy of the United States to support the growth of democratic institutions, thereby undertaking what President Bush called "the idealistic work of helping raise up free governments".

SEC. 3. ESTABLISHMENT OF COMMISSION.

There is established in the House of Representatives a commission to be known as the House Democracy Assistance Commission (hereafter in this resolution referred to as the "Commission").

SEC. 4. MEMBERSHIP OF COMMISSION.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of Members of the House of Representatives, the number of whom shall be determined by the Speaker of the House of Representatives, in consultation with the Minority Leader of the House of Representatives. Majority party members shall be appointed by the Speaker of the House of Representatives and minority party members shall be appointed by the Minority Leader of the House of Representatives.

(b) TERMS OF MEMBERS OF THE HOUSE OF REPRESENTATIVES.—Each member of the Commission shall be appointed for a term that is concurrent with the Congress in which the appointment is made. Such a member may be reappointed for one or more subsequent terms in accordance with the preceding sentence.

(c) CHAIRPERSON.—The Chairperson of the Commission shall be designated by the Speaker of the House of Representatives from among the members appointed by the Speaker of the House of Representatives under subsection (a).

SEC. 5. DUTIES OF COMMISSION.

(a) **ACTIVITIES.**—The Commission shall work with the parliaments of selected countries, as determined pursuant to subsection (b)(4), on a frequent and regular basis in order to—

(1) enable Members, officers, and staff of the House of Representatives and congressional support agencies to provide expert advice to members and staff of the parliaments of selected countries;

(2) enable members and staff of parliaments of selected countries to visit the House of Representatives and its support agencies to learn about their operations first-hand; and

(3) provide recommendations to the Administrator of the United States Agency for International Development regarding the provision of material assistance, such as modern automation and office systems, information technology, and library supplies, that the Commission determines is needed by the parliament of a selected country in order to improve the efficiency and transparency of its work, and to oversee the provision of such assistance.

(b) STUDY.—

(1) **IN GENERAL.**—In order to carry out the activities described in subsection (a), the Commission shall conduct on an annual basis (or more frequently if necessary) a study on the feasibility of programs of assistance for parliaments of countries described in paragraph (2) for the purpose of strengthening the parliamentary infrastructure of such countries. The Commission shall designate those countries described in paragraph (2) with respect to which a study will be conducted under this subsection. The study shall assess—

(A) the independent and substantive role that each parliament plays, or could reasonably be expected to play, in the legislative process and government oversight;

(B) the potential benefit to each parliament of expert advice from Members and staff of the House of Representatives in areas such as the development of research services and legislative information systems, parliamentary procedure, committee operations, budget process, government oversight, and constituent services; and

(C) the need in each parliament for material assistance, such as modern automation and office systems, information technology, and research materials, in order to improve efficiency and transparency.

(2) **COUNTRIES DESCRIBED.**—The countries referred to in paragraph (1) are countries that have established or are developing democratic parliaments which would benefit from assistance described in this resolution.

(3) **SENSE OF THE HOUSE OF REPRESENTATIVES.**—It is the sense of the House of Representatives that the countries described in paragraph (2) with respect to which studies will be conducted under this subsection should reflect a geographic diversity and over time should include countries from each of the following regions: Africa, Asia and the Pacific, Europe, the Middle East and Central Asia, and the Western Hemisphere.

(4) **SELECTED COUNTRIES.**—From the countries studied, the Commission shall select one or more parliaments that it recommends should receive assistance under the provisions of this resolution, based on the criteria in paragraph (1). Assistance may be provided under the provisions of this resolution to a parliament selected under this paragraph only if the parliament first expresses to the Speaker of the House of Representatives an interest to receive such assistance.

(c) REPORT.—

(1) **IN GENERAL.**—Not later than September 30, 2005, and each September 30 thereafter until September 30, 2009, the Commission

shall prepare and submit to the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Committee on International Relations and other appropriate House committees, the Office of Interparliamentary Affairs of the House of Representatives, and the Administrator of the United States Agency for International Development, an annual report on the following:

(A) **RESULTS OF STUDY.**—The results of the study conducted pursuant to subsection (b).

(B) **COMMISSION ACTIVITIES.**—In accordance with the results of such study, a review of the activities of the Commission in the previous year and a proposal for the activities of the Commission in the following year, as described in subsection (a).

(2) **DEFINITION.**—In this subsection, the term “other appropriate House committees” means the Committee on Appropriations, the Committee on House Administration, and the Committee on Rules of the House of Representatives.

SEC. 6. ROLE OF THE COMMITTEE ON INTERNATIONAL RELATIONS.

(a) **IN GENERAL.**—The Commission shall carry out the duties described in section 5 using the staff and resources of the Committee on International Relations, including the use of consultants, such as individuals with expertise in development of democratic parliaments, legislative systems management, legislative research, parliamentary procedure, related legislative matters, and technology systems management, as appropriate.

(b) **PARTICIPATION OF LEGISLATIVE BRANCH EMPLOYEES.**—At the request of the Commission, the head of any House office or congressional support agency may assist the work of the Commission by—

(1) detailing personnel of that office to the staff of the Committee on International Relations; or

(2) authorizing personnel of that office to participate in activities of the Commission.

SEC. 7. TERMINATION.

The Commission shall terminate on September 30, 2009.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from South Carolina (Mr. **BARRETT**) and the gentleman from California (Mr. **LANTOS**) each will control 20 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. **BARRETT**).

GENERAL LEAVE

Mr. **BARRETT** of South Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. **BARRETT** of South Carolina. Mr. Speaker, I yield myself such time as I may consume.

First, I want to thank the distinguished gentleman from California (Mr. **DREIER**), chairman of the Committee on Rules, and the distinguished gentleman from North Carolina (Mr. **PRICE**) for introducing this legislation. I would also like to recognize the gentleman from Illinois (Mr. **HYDE**), chairman of the Committee on International Relations, and the gentleman from California (Mr. **LANTOS**), our distin-

guished ranking Democrat member, as original co-sponsors.

Last week, the Committee on International Relations unanimously agreed to ask the chairman to seek immediate consideration of this resolution by the whole House under suspension of the rules. I would like to thank the leadership for moving so expeditiously to schedule this debate. I would also like to remember the role played by one of our long-time colleagues, the very distinguished gentleman from Nebraska, Doug Bereuter. Prior to his retirement last year after nearly 26 years in the House, Mr. Bereuter worked closely with the gentleman from North Carolina (Mr. **PRICE**) on this initiative. Doug Bereuter was a strong believer in helping to spread democracy to former dictatorships, a mission that he has continued to champion in his new role as President of the Asia Foundation. His commitment to interparliamentary relations was underlined by his service as president of the 26-nation NATO Parliamentary Assembly.

This resolution, in part, is of his legacy of the House of Representatives and to the expansion of democracy around the world.

Mr. Speaker, in his second inaugural address, the President of the United States, Mr. Bush, declared: “The best hope for peace in our world is the expansion of freedom in all the world . . . So it is the policy of the United States to seek and support the growth of democratic movements and the institutions in every nation and culture with the ultimate goal of ending tyranny in our world.”

The resolution before us would enable the House of Representatives to directly and personally answer the President's call to support the growth of democratic institutions in every nation. House Resolution 135 creates the House Democracy Assistance Commission. This commission will allow Members and staff of the House of Representatives to work directly with their counterparts in new democracies around the world to help those parliaments play an independent and substantive role in the legislative process and government oversight. This commission would build on the legacy of the Frost-Solomon task force of the 1990s when the House worked with democracies then emerging in Central and Eastern Europe, helping their parliaments become independent, effective legislatures.

Today, with democracies spreading throughout the world, the House Democracy Assistance Commission would allow Members to personally undertake what President Bush called “the idealistic work of helping raise up free governments.” Through the House Democracy Assistance Commission, Members and their staffs from the House of Representatives will personally advise their counterparts from the parliaments of new democracies around the world both in their home capitals and here in Washington. Many of these

parliaments need assistance in areas like committee operations, government oversight, constituent relations, parliamentary procedure, bill drafting, and establishment of research services and legislative information systems.

In addition, when the commission identifies needs in developing countries, it can recommend that the U.S. Agency for International Development provide office equipment for information technology to enable those parliaments to become more efficient and transparent. Creation of the House Democracy Assistance Commission will enable the House of Representatives to personally answer the President's call to support the growth of democratic institutions in every nation.

I urge my colleagues to adopt this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution. I strongly welcome this resolution to establish a commission in the House of Representatives to assist parliaments in emerging democracies. At the outset, I want to pay tribute to the distinguished gentleman from North Carolina (Mr. PRICE), who has been a consistent and steadfast advocate of the establishment of this commission. I also want to commend the gentleman from California (Mr. DREIER), my fellow Californian and friend, who is the author of this resolution, and the gentleman from Illinois (Chairman HYDE) for his leadership in moving the resolution through committee. I also want to commend the gentleman from South Carolina (Mr. BARRETT), our new colleague, for his work on this matter.

Mr. Speaker, our country has been the leading promoter of democracy from the very beginning of our Nation. It defines who we are as Americans, and it is rightfully a key and continuing element of our foreign policy.

In 1789, the year our Constitution went into effect and the year that George Washington was sworn in as our first President, the young United States supported the French Revolution. In 1848, the United States supported the uprising of the people of Hungary against the Hapsburg monarchy; and after Russia and Austria crushed that revolution, we welcomed to our shores Kossuth Lajos, the great leader of the forces of democracy in Hungary whose statue adorns our Capitol in perpetuity.

In 1918, our President Woodrow Wilson expressed the idea that it is in the national interest of the United States to encourage free and open and democratic governments. President Bush echoed that sentiment in his inaugural address earlier this year.

Mr. Speaker, this legislation provides for the establishment of a House commission to assist the new parliaments in emerging democracies. It is similar to the commission which was estab-

lished by the House of Representatives in 1990 as the former communist states of Central and Eastern Europe were emerging from Soviet dominance. Under the able leadership of our former colleague, Congressman Martin Frost of Texas, and then our late colleague, Congressman Gerald Solomon of New York, this commission worked with the Congressional Research Service and the Library of Congress to provide technical assistance and information to these new democracies in Central and Eastern Europe.

□ 1545

Our Commission played an important role in assisting the parliaments of these newly democratic states. This legislation establishes a Commission with a similar mandate to assist parliaments in newly emerging democracies in areas throughout the Middle East where we have recently seen the winds of democracy beginning to stir.

There are also parliaments in other parts of the world where assistance from the Congress can help to establish free and open and democratic practices that will strengthen the rule of law.

Mr. Speaker, we all know the need to break the grip of dictatorship wherever it exists, but that is merely the first step on a long journey. Without assistance to help in the establishment of institutions of democracy, countries in transition to a more pluralistic political culture will be subject to the risk of falling short of the aspirations of their citizens who promoted democratic values.

We in this body have a role, along with our democratic friends and allies, to help those who want assistance in strengthening legislative assemblies in many forms.

Mr. Speaker, I urge all of my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. BARRETT of South Carolina. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), sponsor of H. Res. 135, the distinguished chairman of the Committee on Rules.

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I rise in strong support of this resolution. I want to begin by thanking my colleagues; the gentleman from South Carolina (Mr. BARRETT) for his commitment to the effort of this resolution. Behind this resolution, of course, I want to thank my very good friend, the gentleman from California (Mr. LANTOS), for all of his efforts, and I appreciate his once again bringing to mind 1848, as he likes to regularly remind our Governor of California about what took place in 1848.

I also want to thank my good friend the gentleman from North Carolina (Mr. PRICE), who as the gentleman from California (Mr. LANTOS) said, has been working for a long period of time

on this. And of course Doug Bereuter, who is no longer serving in this House, but obviously put a lot of effort in this. And of course our former colleagues, Mr. Solomon and Mr. Frost.

I was privileged to serve on their task force in the early 1990s, and it is amazing when one looks at the success that we have enjoyed during that period of time. In fact, one of the greatest things that took place following our effort to establish those parliaments and put into place the expertise and the technical assistance and helping with constituent relations and demonstrating independence from the Executive Branch and all those great things as we worked with those fledgling democracies in Hungary and then Czechoslovakia and then Yugoslavia, obviously countries that have changed since that period of time, but Romania and Poland. It is amazing that it has not been necessary for the task force to be in place any longer. Why? Because we have seen following the efforts of that task force a great deal of success with those emerging parliaments, doing the very, very important independent thinking that parliaments need to do.

As the gentleman from South Carolina (Mr. BARRETT) pointed out so well in quoting President Bush's inaugural address and then his State of the Union message, it is very clear that we have witnessed an explosion of democracies throughout the entire world in recent months, and the fact that we have seen this explosion underscores the importance of this resolution which will, at the direction of the gentleman from Illinois (Speaker HASTERT), call for the establishment of this Commission, and I want to thank Speaker HASTERT, and of course the gentleman from Illinois (Chairman HYDE) for their strong support of this effort as well.

To me, this is one of the most exciting things that we will be able to do as an institution for a long period of time in the coming months and years, and I will tell you why, Mr. Speaker. If one looks at the challenges that we face, we know that the establishment of democracies is critical to the potential for us to diminish the kinds of threats that exist in the world. Military threats, terrorist threats are diminished with the success of democracies. And we all know that one election does not a democracy make. Over the past several months, to the surprise of many, we have seen elections take place in some places that have never experienced elections before; Afghanistan, for example. Never before had we seen an election take place in Afghanistan.

We have just now seen for the first time in a long, long period of time free and fair elections in the Palestinian territories, and then of course the most heralded election, when 8½ million Iraqis, to the surprise of many throughout the world, actually exercised that right to vote. And when we saw the emergence of the Shia population, many thought that they would

through the election process squelch the opportunity for the Sunnis and the Kurds to be involved in the process, when instead with this election having taken place the Shiia have been reaching out to try and hold Iraq together.

And so now, we, as an institution, the United States House of Representatives, have a wonderful opportunity to provide assistance to countries that have seen elections take place and have yet to see their parliaments really flourish, first be established and then flourish.

And then of course just in recent weeks, what is it that we have seen? As the Secretary of State said not too long ago, if one were to guess that 250,000 people would be on the streets of Beirut, Lebanon calling for independence, it would have come as a surprise to almost anyone, and yet that is exactly what we have seen.

And so these opportunities for democracies to take off are emerging all over the globe, and that is why the establishment of this Commission is, I believe, going to be critically important to help with the strengthening of those democracies through the talent and expertise that will be necessary for the parliamentarians in those democracies.

And so, Mr. Speaker, I want to say that I believe this is a historic opportunity for the United States Congress to be involved in our direct association with democracy building and most specifically parliament building in those countries that are coming to the forefront, and we all hope that there will be even greater opportunities for the United States Congress to be involved in that democracy building in countries where we could not possibly even fathom it today.

That is why I hope that one day we will get to the point where this Commission will no longer be necessary too, when we see political pluralism, the rule of law, self-determination and the existence of democratic institutions globally, because we know that that will play a great role in ensuring the stability and the success and the freedom that I believe all mankind deserves.

Mr. LANTOS. Mr. Speaker, I am delighted to yield such time as he may consume to the distinguished gentleman from North Carolina (Mr. PRICE), the Democratic author of this resolution.

(Mr. PRICE of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Speaker, I rise in support of the Dreier-Price Democracy Assistance Commission resolution. House Resolution 135 will establish a Commission in the House charged with helping parliaments in emerging democracies play a more independent, transparent and representative role.

I am pleased that the gentleman from California (Chairman DREIER) will be taking the lead role on the Commis-

sion, and I look forward to working closely with him to make this Commission a success and to make it a worthy successor to the Frost-Solomon Task Force, which helped build the capacity of new parliaments in Central and Eastern Europe between 1990 and 1996.

The Frost-Solomon Task Force, under the leadership of our former colleagues Martin Frost and the late Jerry Solomon, went in at the ground level with 10 parliaments from former Soviet and Warsaw Pact states, providing them with the kind of basic resources and technological infrastructure required for any legislature to play a meaningful role in an emerging democracy—things like computers and other office equipment and reference materials for parliamentary libraries—and helping them establish the systems and procedures necessary to create an efficient and well-functioning legislature.

A bipartisan group of House Members was actively involved, as were key House and Library of Congress staff who offered extensive consultation.

I had the opportunity to participate in the activities of that task force, and to witness firsthand the positive impact that it had, not only on the maturation of parliaments receiving assistance, but also in engendering a positive image of the United States, and of the U.S. House of Representatives, abroad. It was one of the most worthwhile and rewarding experiences I have had as a Member of this body.

The spread of democracy is continuing, and the U.S. Agency for International Development and its partners in the nonprofit world have been active in assisting new parliaments all around the world. Many other developed democracies have also gotten into the act of providing assistance to parliaments in emerging democracies.

But there is still an important role for the U.S. House to play. In fact, there is a role that I would argue the House is uniquely positioned to play. After all, the U.S. House is the oldest directly representative democratic body in existence in the world, one of two Chambers in the oldest democratic federal legislature in existence. We have been doing something that the world admires for a very long time. We should pass along the benefits of our experience to our colleagues in emerging democracies abroad, always in the spirit of realizing that, for all of us, the fullness of democracy is still a work in progress.

Our knowledge and experience as Members and support staff of this great institution are something we can share directly with our counterparts in emerging democracies, helping build their capacity to better perform the essential role that legislatures must play in democratic government, through oversight of governmental expenditures and military operations, constituent services, committee operations, information services and research.

Mr. Speaker, today is the culmination of 2 years of hard work, starting in early 2003 when I first began talking with Representative Doug Bereuter about resuming the work of the Frost-Solomon Task Force. We spent a lot of time talking with USAID, with Frost-Solomon Task Force veterans and with other stakeholders, trying to figure out the best way to move forward, how to ensure that the Commission's work did not duplicate other assistance efforts and in fact complemented them with the unique contribution that House Members could make.

We introduced the first version of this resolution, H. Res. 543, a little over a year ago, and a second improved version, H. Res. 642, last summer. Both resolutions were approved by the House Committee on International Relations, but there were still some refinements needed to get the consensus needed to move the resolution to the floor. We have now been able to make those refinements, thanks to the support and feedback we received from Scott Palmer and other staff members of the Office of the Speaker.

I want to thank the Speaker and the minority leader for lending their support to this enterprise, along with the gentleman from Illinois (Chairman HYDE) and the ranking minority member, the gentleman from California (Mr. LANTOS) of the Committee on International Relations.

John Lis, a staff member of the Committee on International Relations, played a critical role in helping bring us to this point, and will continue to play the lead staff role in the Commission's work.

Francis Miko and Paul Rundquist with CRS, Dan Freeman with the Committee on International Relations, and Kristi Walseth, formerly of Representative Frost's staff, all of these played important support roles for the Frost-Solomon Task Force and have been extremely valuable advisers on the best way for a reconstituted Commission to work. We will continue to call on them for advice and, in some cases, to help carry out the Commission's duties.

I also want to thank successive members of my staff who put many hours and substantial effort into fine-tuning this resolution: Tom Rice, Marian Currinder and Darek Newby.

Over the course of the next several months, the Commission will be appointed by the Speaker and minority leader, and the staff will be evaluating candidate countries from around the world for potential participation in the Democracy Assistance Program. The Commission will eventually narrow that list down to five countries that will be invited to participate in the program beginning in fiscal year 2006.

Assistance will be provided through visits by Commission members, other interested Members of the House, and staff to participating countries, and members and staff of those parliaments will also have opportunities to come to

the United States to become more familiar with both State and Federal legislative institutions and practices.

We are working closely, and will continue to work closely, with USAID, the National Democratic Institute, and the International Republican Institute to coordinate the delivery of equipment and other related material assistance where the Commission identifies particular needs.

Mr. Speaker, this is an exciting endeavor, and one that I am looking forward to helping move forward. I hope that many of my colleagues will agree and find some way to contribute to the work of the Commission, to help support the spread and consolidation of democracy around the world.

□ 1600

The passage of H. Res. 135 is the essential first step, and I urge its adoption.

Mr. BARRETT of South Carolina. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. McCOTTER), a member of the Committee on International Relations.

Mr. McCOTTER. Mr. Speaker, I rise in support of House Resolution 135, for within its wisdom rests the realization a nation's democracy is never more imperiled than in its infancy. This realization and the extension of protections to emerging democracies are vital to our ensuring these newborn nations' first breaths of freedom burgeon into the full fruit of liberty.

Mr. Speaker, especially as we watch the ominous portents emanating from Russia's experiment in representative governments, we must ever remember the inception of a democracy is not an end. It is a beginning. And let us ever stand ready to assist those of our fellow human beings who are fitfully and finally breathing free.

I urge the adoption of this resolution.

Mr. LANTOS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BARRETT of South Carolina. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MURPHY). The question is on the motion offered by the gentleman from South Carolina (Mr. BARRETT) that the House suspend the rules and agree to the resolution, H. Res. 135.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

URGING ADDITION OF HEZBOLLAH TO EUROPEAN UNION'S TERRORIST ORGANIZATION LIST

Mr. BARRETT of South Carolina. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 101) urging the European Union to add Hezbollah to the European Union's wide-ranging list of terrorist organizations, as amended.

The Clerk read as follows:

H. RES. 101

Whereas Hezbollah is a Lebanon-based radical organization with terrorist cells based in Europe, Africa, North America, South America, Asia, and elsewhere, receiving financial, training, weapons, and political and organizational aid from Iran and Syria;

Whereas Hezbollah has led a 23-year global campaign of terror targeting American, German, French, British, Italian, Israeli, Kuwaiti, Saudi Arabian, Argentinean, Thai, Singaporean, and Russian civilians, among others;

Whereas former Director of Central Intelligence George Tenet called Hezbollah "an organization with the capability and worldwide presence [equal to] al Qaeda, equal if not far more [of a] capable organization . . . [t]hey're a notch above in many respects . . . which puts them in a state sponsored category with a potential for lethality that's quite great";

Whereas Hezbollah has been suspected of numerous terrorist acts against Americans, including the suicide truck bombing of the United States Embassy and Marine Barracks in Beirut in October 1983 and the Embassy annex in Beirut in September 1984;

Whereas the French unit of the Multinational Force in Beirut was also targeted in the October 1983 attack, in which 241 United States Marines and 58 French paratroopers were killed;

Whereas Hezbollah has attacked Israeli and Jewish targets in South America in the mid-1990s, including the Israeli Embassy in Buenos Aires, Argentina, in March 1992 and the AMIA Jewish Cultural Center in Buenos Aires in July 1994;

Whereas Hezbollah has claimed responsibility for kidnappings of United States and Israeli civilians and French, British, German, and Russian diplomats, among others;

Whereas even after Israel's compliance with United Nations Security Council Resolution 425 (1978) by withdrawing from Lebanon, Hezbollah has continued to carry out attacks against Israel and its citizens;

Whereas Hezbollah has expanded its operations in the West Bank and Gaza Strip, providing training, financing and weapons to Palestinian terrorist organizations on the European Union terrorist list, including the Al Aqsa Martyrs Brigade, Hamas, the Palestinian Islamic Jihad, and the Popular Front for the Liberation of Palestine;

Whereas in 2004 Hezbollah instigated, financed, or played a role in implementing a significant number of Palestinian terrorist attacks against Israeli targets;

Whereas the European Union agreed by consensus to classify Hamas as a terrorist organization for purposes of prohibiting funding from the European Union to Hamas;

Whereas the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (Public Law 108-175) urges the Government of Lebanon to assert the sovereignty of the Lebanese state over all of its territory and to evict all terrorist and foreign forces from southern Lebanon, including Hezbollah and the Iranian Revolutionary Guards;

Whereas, although the European Union has included Imad Fayiz Mughniyah, a key oper-

ations and intelligence officer of Hezbollah, on its terrorist list, it has not included his organization on the list;

Whereas the United States, Canada, and Australia have all classified Hezbollah as a terrorist organization and the United Kingdom has placed the Hezbollah External Security Organization on its terrorist list;

Whereas leaders of Hezbollah have made statements denouncing any distinction between its "political and military" operations, such as Hezbollah's representative in the Lebanese Parliament, Mohammad Raad, who stated in 2001 that "Hezbollah is a military resistance party, and it is our task to fight the occupation of our land. . . . There is no separation between politics and resistance.";

Whereas in a book recently published by the deputy secretary-general of Hezbollah, Sheikh Naim Qassem, entitled "Hezbollah -- the Approach, the Experience, the Future", Qassem writes "Hezbollah is a jihad organization whose aim, first and foremost, is jihad against the Zionist enemy, while the political, pure and sensible effort can serve as a prop and a means of support for jihad";

Whereas United Nations Security Council resolution 1559 (2004), jointly sponsored by the United States and France, calls upon all remaining foreign forces to withdraw from Lebanon and for the disbanding and disarmament of all Lebanese and non-Lebanese militias;

Whereas in December 2004 the Department of State placed Al-Manar, Hezbollah's satellite television network, on the Terrorist Exclusion List, and in December 2004 the French Council of State banned the broadcasting of Al-Manar in France

Whereas France, Germany, and Great Britain, with the support of the High Representative of the European Union, have created a working group with Iran to discuss regional security concerns, including the influence of terror perpetuated by Hezbollah and other extremist organizations;

Whereas on March 10, 2005, the European Parliament voted overwhelmingly to adopt a resolution that stated "Parliament considers that clear evidence exists of terrorist activities on the part of Hezbollah and that the [EU] Council should take all necessary steps to curtail them."; and

Whereas cooperation between the United States and the European Union regarding efforts to combat international terrorism is essential to the promotion of global security and peace: Now, therefore, be it

Resolved, That the House of Representatives—

(1) urges the European Union to classify Hezbollah as a terrorist organization for purposes of prohibiting funding from the European Union to Hezbollah and recognizing it as a threat to international security;

(2) condemns the continuous terrorist attacks perpetrated by Hezbollah; and

(3) condemns Hezbollah's continuous support of Palestinian terrorist organizations on the European Union terrorist list, such as the Al Aqsa Martyrs Brigade, Hamas, the Palestinian Islamic Jihad, and the Popular Front for the Liberation of Palestine.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from South Carolina (Mr. BARRETT) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. BARRETT).

GENERAL LEAVE

Mr. BARRETT of South Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and

extend their remarks and include extraneous material on H. Res. 101.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. BARRETT of South Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H. Res. 101 urges the European Union to add Hezbollah to its terrorist list. I strongly support this measure, which was passed by voice vote during a subcommittee mark-up and by unanimous consent before the full Committee on International Relations.

Hezbollah is a Lebanon-based extremist organization that has a network of cells located throughout the world. Its primary sources of political, financial, and organizational support stem from Iran and Syria. According to the most recent State Department "Patterns of Global Terrorism Report," Hezbollah is dedicated to the elimination of Israel and the establishment of an Islamic theocracy in Lebanon. Hezbollah is also a strong supporter of the Syrian presence in that country, a position clearly at odds with both the desires of the international community and the Lebanese people.

Hezbollah has been known or suspected to have been involved in numerous terrorist attacks against Americans, including the suicide truck bombing of the United States Embassy and the Marine barracks in Beirut in 1983 and the embassy annex in Beirut in 1984. Three members of Hezbollah are on the FBI's list of the 22 most wanted persons for the hijacking of a TWA flight in which an American Navy diver was killed. Elements of the terrorist organization have also been involved in the kidnapping of Americans and other Westerners.

In past years, Hezbollah has increasingly supported groups that have already been designated by the EU as terrorist organizations. It defies logic that the EU would classify these other groups as terrorist organizations and not include Hezbollah, a group that is among the most lethal terrorist organizations in the world.

The manager's amendment includes changes based on comments received on the resolution from the State Department and some changes communicated to me by the gentleman from Florida (Mr. WEXLER), the ranking member on the Subcommittee on Europe of the House Committee on International Relations. The amendment is designed to clarify some of the language contained in H. Res. 101. In addition, the amendment adds a clause recognizing that the European Parliament voted on March 10 on a resolution that stated that "clear evidence exists of terrorist activities on the part of Hezbollah" and that the Council of the EU "should take all the necessary steps to curtail them."

Mr. Speaker, I would like to commend the gentleman from New Jersey

(Mr. SAXTON) for introducing H. Res. 101. This legislation has strong bipartisan support with over 70 co-sponsors. I urge the passage of this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution. Mr. Speaker, the resolution before the House condemns the ongoing terrorism perpetrated by Hezbollah and urges the European Union to classify Hezbollah as a terrorist organization.

Last session, after the introduction of House Resolution 285 urging the European Union to classify Hamas as a terrorist organization and thus prohibiting the channeling of funds from the territory from the European Union to Hamas, the Union agreed by consensus to add Hamas to its terrorist list. It is our hope that this resolution about Hezbollah will have similar results. The inclusion of Hezbollah on the European Union's list of terrorist organizations is long overdue.

As we all know, Mr. Speaker, Hezbollah is a Lebanon-based extremist organization with terrorist cells throughout the globe. Its primary sources of political, financial, and organizational support come from Iran and Syria. Not surprisingly, Hezbollah is the only significant Lebanese organization that supports the continued occupation of Lebanon by Syria.

As the master of possibly the most widespread network of terror in the world, Hezbollah has led a 23-year global campaign of terror targeting American, European, and Israeli civilians. In fact, Hezbollah perpetrated its terror on nearly every continent on this planet, including the 1983 bombing of the Marine barracks in Beirut. Parenthetically, Mr. Speaker, several of us visited with these wonderful Marines just weeks before Hezbollah terrorist activity destroyed their lives.

Among the most notorious examples of Hezbollah crimes outside the Middle East are its attacks on the Israeli Embassy in Buenos Aires in March 1992 and the Jewish Cultural Center in Buenos Aires in 1994.

Most recently, both Israeli and Palestinian officials have complained about an alarming increase in Hezbollah support for terrorism in the Palestinian territories. Israeli officials say that about one-fifth of Israeli casualties from terrorism last year were caused by Hezbollah-backed terrorist cells.

Hezbollah even terrorizes the Lebanese Government itself, perpetuating its occupation of southern Lebanon in defiance of the international community's demands that it be disarmed.

Mr. Speaker, given Hezbollah's bloody record, the charges against Hezbollah made by both Israelis and Palestinians and the European Union's frequent protestations of its commitment to Middle East peace, it is very odd, indeed, that the European Union

continues to omit Hezbollah from its list of terrorist organizations. But it is completely stupefying that this omission continues while Hezbollah trains and equips many of the very groups already on the European Union's terrorism list, such as Islamic Jihad, al-Aqsa Martyrs Brigade, and Hamas. The logic of the European Union's decision-making on this matter is at best baffling.

Europeans sometimes point out in their defense that Hezbollah holds seats in the Lebanese Parliament. Let me point out, Mr. Speaker, that Hitler's Nazi Party held seats in a democratically elected German Parliament before the onset of World War II. Furthermore, Hezbollah's limited electoral success does nothing to revive the victims of terrorism. Europeans, of all people, should know that when terrorists succeed at the polls, they do not become moderate. They merely exploit their elected parliamentary positions to serve their terrorist aims.

Other Hezbollah apologists cite the group's domestic social programs within Lebanon as reason that it should not be considered strictly terrorist. But the credibility of those programs in Lebanon is mocked by Hezbollah's merciless disregard for human life in all of its other operations. The Bolshevik Party of the Soviet Union similarly provided social programs. Yet it had a devastating impact on generations of Soviet citizens.

By simply declaring the transparently obvious, that Hezbollah is a terrorist organization, Europe could deprive Hezbollah of access to millions of dollars in European banks and other financial institutions, while making an enormous contribution to Middle Eastern stability and saving hundreds of lives that will otherwise be Hezbollah's future victims. That is why I strongly support this resolution and urge all of my colleagues to join me in that support.

Mr. Speaker, I reserve the balance of my time.

Mr. BARRETT of South Carolina. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. SAXTON), the author of the legislation.

Mr. SAXTON. Mr. Speaker, I want to thank the gentleman from South Carolina (Mr. BARRETT) for yielding me time. I would also like to thank the chairman and ranking member and other members of the committee that made it possible for this resolution to come to the floor on a strictly bipartisan basis.

I would also just like to say that during the consideration of the previous resolution, it was pointed out by the gentleman from California (Mr. DREIER) and others how encouraging it is to see democracy springing up around the world, particularly in the Middle East. This is a trend which is tremendous for us to see, and certainly it should be the policy of the House of Representatives and our government

generally to do whatever we can to help promote the trend which is so well under way. And of course at the same time it, would be good if we could help remove obstacles that may stand in the way of democracy being successful in places like Lebanon and the trend which is under way perhaps in Egypt and Iraq and Afghanistan and many other places.

So let us be clear on this subject of Hezbollah. Hezbollah is a radical terrorist organization, and this resolution simply asks the European Union to officially list it as such.

□ 1615

Its core beliefs are based on a perverse doctrine of anti-Westernism and anti-Semitism. Hezbollah has led a 23-year campaign targeting American, German, French, British, Italian, Israeli, Kuwaiti and countless other civilians from a variety of other countries.

Whether it is the bombing of the Marine barracks in Beirut in 1983 where 241 Americans were killed, the deadly attacks against Jewish targets in South America during the 1990s or any other atrocious acts of tyranny perpetuated by this organization, there is one thing clear: Hezbollah represents a clear and present danger to the national security of the United States, to the progress of countries that are in the process of democratizing and to many others around the world.

Mr. Speaker, there is no denying the fact some of us in this Chamber disagree from time to time on tactics, on techniques and procedures that are needed to win the war on terror. However, we all agree, beyond a shadow of a doubt, that organizations that openly call for the death of innocent civilians have no constructive role to play.

H. Res. 101 was not introduced for the purpose of angering our allies on the other side of the Atlantic. It is no secret that without the assistance of various European intelligence services and the steadfast support of many of our allies there would be more terrorists at large today and more threats to our national security than there is at this time.

However, it is with these thoughts in mind that I urge our European friends to ponder the following facts:

The main reason that France has led the efforts to block the European Union from placing Hezbollah on the list of terrorist organizations is due to the fact that the French believe that the military and political wings of the organizations are separate and, therefore, must be judged in that way. My question is simple: How can one separate the political and military wings of an organization if members of that organization, of the organization in question, have made statements contrary to that very fact?

For example, Mohammad Raad, a member of the Lebanese Parliament from Hezbollah, stated very plainly, "Hezbollah is a military resistance

party and its task is to fight the occupation of our land. There is no separation between politics and resistance."

In a book recently published by another member of Hezbollah, Sheikh Naim Qassem, Hezbollah's deputy secretary, he states, "Hezbollah is a jihad organization whose aim, first and foremost, is jihad against the Zionist enemy, while the political, pure and sensible effort can serve as a prop and a means of support for jihad."

Mr. Speaker, after hearing these statements stated by members of Hezbollah, how can anyone, European or American, deny the simple fact that the ideological fabric of Hezbollah is based on the ideals of radical Islam and the central purpose of the organization is to kill innocent human beings?

I have been concerned during the last several days about constant references in the media that seem to indicate that at the behest of our European allies, our government in the United States is ready to accept Hezbollah as a legitimate political force in Lebanon.

Despite the disconcerting statements being perpetuated by the media, just yesterday Secretary of State Condoleezza Rice declared in the clearest of terms that the United States still regards Hezbollah as a terrorist organization, and I was encouraged last Thursday when our colleagues in the European Parliament passed a resolution that was mentioned just a few minutes ago by my friend from California that the EU Parliament has passed a resolution urging the European Union leadership and the governments there to list Hezbollah as a terrorist entity. The resolution stated the simple fact that there are "irrefutable proofs of Hezbollah's terrorist actions." It is my sincere hope that the EU leadership will follow the advice of their own parliament.

Mr. Speaker, I urge my colleagues to pass this important piece of legislation and send a message to the European Union that in order to secure a peaceful future for the people of Lebanon, the greater Middle East, and the world, organizations such as Hezbollah must not be tolerated.

Mr. LANTOS. Mr. Speaker, I continue to reserve our time.

Mr. BARRETT of South Carolina. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. MCCOTTER), a member of the Committee on International Relations.

Mr. MCCOTTER. Mr. Speaker, I will not reiterate House Resolution 101's litany of why Hezbollah is a terrorist organization, for the resolution's authors and my colleagues before me have given a full and fair accounting of this therein.

I rise then to urge the European Union's acknowledgement of this resolution's list of terrorist particulars on Hezbollah's part, and in doing so, I further urge the European Union's addition of Hezbollah to the EU's terrorist list.

Indeed, since the Coalition's liberation of Iraq from the inhuman rule of

Saddam Hussein, from some EU quarters has come a strident call on the U.S. and its allies to diminish reliance upon force; i.e., hard power, and increase utilization of diplomatic means; i.e., soft power, within our war on terror.

Now, here rests the opportunity for those strident voices in the EU to put their morality where their mouth is, for if despite all the evidence and the consequences of Hezbollah's terrorist activities, the European Union refuses to place Hezbollah on its terrorist list, then we will be left but to conclude some in Europe's insistence upon a sophisticated, soft power diplomacy in pursuit of stability, at the expense of liberty, is in reality no less than a disingenuous, shortsighted exercise in craven accommodation.

The choice is theirs, but this vote is ours, and I urge adoption of the resolution.

Mr. BARRETT of South Carolina. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. SHAYS), chairman of the Subcommittee on National Security, Emerging Threats and International Relations of the Committee on Government Reform.

Mr. SHAYS. Mr. Speaker, I thank the gentleman for yielding me the time, and I thank the gentleman from New Jersey (Mr. SAXTON) and the gentleman from California (Mr. LANTOS) for their involvement in this important legislation.

I think the thing that is most refreshing about President Bush's administration is the effort to have an honest dialogue with our allies about what is happening around the world. And we need to have this honest dialogue.

The bottom line is Hezbollah is a terrorist organization through and through. It may have a political arm, it may have a public relations arm as the gentleman from California (Ranking Member LANTOS) pointed out, but so did the Nazi Party. This is a terrorist organization and to use a phrase that Congressman LANTOS uses quite often, it "boggles the mind" that they would not be included as a terrorist organization within the European Union.

When we look at the resolution, there are 20 whereases, and each one is powerful

Whereas Hezbollah is a Lebanon-based radical organization with terrorist cells based in Europe, Africa, North America, South America, Asia, and elsewhere, receiving financial, training, weapons, and political and organizational aid from Iran and Syria;

Whereas Hezbollah has led a 23-year global campaign of terror targeting American, German, French, British, Italian, Israeli, Kuwaiti, Saudi Arabian, Argentinean, Thai, Singaporean, and Russian civilians, among other . . .

and it goes on.

I cannot believe frankly that if our colleagues from Europe read this resolution they will not readily agree that they need to take this action. Once again I thank my colleague for yielding me time, and I hope we pass this with a resounding "yes."

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

In closing, let me just say that the European Union calls into question its own appropriateness in serving on the quartet, attempting to bring some stability and peace to the Middle East. This is such a clearcut case. We are dealing with a global terrorist organization which has cold-bloodedly massacred large numbers of civilians of many nationalities. There is no earthly reason to continue the defiance of common sense by the European Union in failing to put Hezbollah on the terrorist list.

The European Parliament itself a few days ago called on the union to list Hezbollah as a terrorist organization, and at long last it is our hope that they will do so.

Mr. Speaker, I yield back the balance of my time.

Mr. BARRETT of South Carolina. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MURPHY). The question is on the motion offered by the gentleman from South Carolina (Mr. BARRETT) that the House suspend the rules and agree to the resolution, H. Res. 101, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

TWO-YEAR EXTENSION OF NAZI WAR CRIMES AND JAPANESE IMPERIAL GOVERNMENT RECORDS INTERAGENCY WORKING GROUP

Mr. SHAYS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 384) to extend the existence of the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group for 2 years.

The Clerk read as follows:

S. 384

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TWO-YEAR EXTENSION OF WORKING GROUP.

Section 802(b)(1) of the Japanese Imperial Government Disclosure Act of 2000 (Public Law 106-567; 114 Stat. 2865) is amended by striking "4 years" and inserting "6 years".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Connecticut (Mr. SHAYS) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. SHAYS).

GENERAL LEAVE

Mr. SHAYS. Mr. Speaker, I ask unanimous consent that all Members may

have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 384, the Senate bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. SHAYS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the Committee on Government Reform, I am pleased to call for the consideration of S. 384, a bill that extends the existence of the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group. I commend the esteemed Senator from Ohio, MIKE DEWINE, and my distinguished colleague in this body, the gentlewoman from New York (Mrs. MALONEY), for working on this bill. I am proud to be a cosponsor of it.

Senate 384 extends by 2 years this worthy working group that was originally created by Congress through Public Law 105-246 in 1998. The group is made up of government agency representatives who are directed to oversee the declassification of U.S. Government records that contain information about Nazi war crimes.

Such information includes trafficking of assets seized by the Nazis and post-war communications between U.S. Government and former Nazi officials, unless declassification would unduly violate personal privacy or harm national security or foreign policy interests. The law also allowed for expedited processing of Freedom of Information, FOIA, requests made by survivors of the Holocaust.

On December 6, 2000, as part of the Intelligence Authorization Act for 2001, Congress changed the group's name to the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group. This action expanded the mission of the group to include the declassification of U.S. Government records related to World War II era war crimes committed by the Japanese Imperial government.

The project has produced some valuable accomplishments. It has allowed the release of over 8 million previously classified documents and generated a great deal of historical research.

However, the CIA has resisted disclosing certain files, preventing the completion of the work within the 3-year time frame anticipated by the original law. Recently, however, the CIA has agreed to modify its position on a number of key issues and work with the National Archives and other groups to declassify remaining relevant information. Accordingly, S. 384 would extend the law for another 2 years, to give all parties sufficient time to complete the project.

Madam Speaker, all in all, the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group is a valuable effort that informs the American people of the actions of their government while bal-

ancing the protection of legitimate national secrets.

Again, I thank the gentlewoman from New York and the Senator from Ohio for seeing this legislation through both Chambers of Congress. I urge strong support for this measure.

Madam Speaker, I reserve the balance of my time.

□ 1630

Mrs. MALONEY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I thank the gentleman from Connecticut (Mr. SHAYS) for his leadership on this issue and so many others. I rise in strong support of S. 384 that would extend the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group for 2 years.

The 1989 law opened up the government files of Nazi and Japanese war activities. Many, many agencies cooperated and declassified an enormous amount of documents, including the CIA, FBI, NSA, DOD, the Army, and many others. The law resulted in the largest specifically focused declassification effort in American history. It provided important information for historians to better understand World War II and the Cold War. Already, over 100 million documents have been screened and over 8 million have been declassified.

The extension will allow time for the remaining documents to be released and studied. The remaining documents are mainly in the CIA. We thank them for their agreed cooperation as we go forward.

Madam Speaker, I want to make clear that the original legislation required the disclosure of Nazi war criminal records specifically related to individuals. It should in no way be interpreted as inhibiting the release of other more general records such as policy directives or memoranda. If such records are uncovered during the search of files, the bill requires and necessitates that they become public along with the rest of the documents. The intent of the original legislation was to bring to the light information which may be in the files and archives of the U.S. Government. This may well include information from the postwar period showing a relationship between those agencies and Nazi war criminals.

It was not the intent that the exemptions included in the underlying bill be used to shield this type of information from disclosure. We included the exemptions that currently exist in executive order. They should not be revoked simply to protect any agency from embarrassment.

It is important that this move forward, and it is important that we pass this extension today as the terms of the Interagency Working Group were set to expire at the end of March 2005. So we are at a critical juncture which this bill addresses.

Madam Speaker, I first introduced the Nazi War Crimes Disclosure Act in

1994. It was in response to an article that I read in the New York Times written by Mr. Abe Rosenthal. In the article he described the work of a professor from the University of South Carolina who was trying to obtain information on Kurt Waldheim, a former director of the United Nations. Yet our government would not allow him to have access to any information.

The KGB had opened up their files; many governments had opened up their files. It was many years after the war, and I could see no reason why this information should be kept from the public.

I introduced the bill, along with former Congressman Steve Horn. At first there was great opposition to the bill from the intelligence community. In 1996, we passed a sense of Congress in support of the bill because nothing passes without the support of the intelligence community. The bill drew the attention of former Congressman Porter Goss, Senator DEWINE, and then Senator Moynihan who worked with me and others to finally pass the bill 7 years ago in 1998. It was signed into law by President Clinton in an Oval Office ceremony that year.

In December of 2000, we extended the law for an additional 2 years and expanded it to cover the Japanese crime documents. Then in January of 2004, we extended the term of the Interagency Working Group another year so it would be able to fulfill its charter and produce a comprehensive, historically accurate report on the United States' knowledge of Nazi and Japanese war criminals and their activities.

Now because of the bill, the legislation, millions of pages of U.S. intelligence documents are organized and available to the public through the National Archives. As a result of this law, we are beginning to understand the relationship of the U.S. Government to Nazi war criminals in the aftermath of World War II and during the Cold War.

While it is a difficult subject to address, finding out about the terrible and ugly aspects of the wartime era will help to shed light and bring us closer to the truth. "U.S. Intelligence and the Nazis" is one book that has already resulted from the documents. I know there will be many more in the future. In this book, they talk about the role of intelligence agencies, especially the U.S. of war criminals by U.S. intelligence organizations after the war.

We now understand because of these documents that German spymaster General Reinhard Gehlen, who served as Hitler's most senior military intelligence officer on the Eastern Front, was an officer who became a key U.S. intelligence resource after the war. During the postwar period, he ran an extensive network of spies, some with Nazi collaborationist backgrounds, that made them vulnerable to the Soviet Union during the height of the Cold War.

As we can see, the documents provided thus far to the IWG have revealed

that there was a closer relationship between the U.S. Government and Nazi war criminals than previously known. It is an important fact that is crucial to the understanding of history. This significant knowledge would not have been possible without the cooperation of so many in this body, and so many agencies. But particularly I cite the dedicated work of the Interagency Working Group, former Congresswoman Elizabeth Holtzman, Tom Baer and Richard Ben-Veniste. They served with great dedication, without compensation and are continuing to serve and have been appointed by two Presidents.

Many people worked to bring this bill to the floor, and I want to especially express my gratitude to the gentleman from Virginia (Chairman TOM DAVIS), who went beyond the call of duty to ensure there was a markup so we could get this to the floor to extend it before the time expired. I appreciate the work of his staff, Mason Aligner and Rob Borden; and I also want to thank the ranking member, the gentleman from California (Mr. WAXMAN), and his staff, Michelle Ash and David McMillan, who are always helpful and supportive, and this time was no exception.

I also express my appreciation to the gentleman from Texas (Mr. DELAY), the majority leader, and his staff, Brad Loper. They were extremely helpful in making sure we are debating this bill on the floor today and that the Interagency Task Force will be able to continue its work.

I would also like to thank the gentleman from Wisconsin (Mr. SENSENBRENNER) and Robert Tracci on his staff who have been extremely accommodating so we could move this forward. But I would especially like to thank my colleague in the other body, Senator DEWINE, and his staff, Peter Levitas, and his former staff member, Louis DePartt, for their tireless and selfless work and for the energy they put forth to ensure that we know as much as we can about our government's past involvement with Nazi war criminals.

I would also like to recognize Ben Chevat and Orly Isaacson of my own staff who have shown tremendous persistence and dedication.

I also thank former Senator Moynihan. Today, I was supposed to be in Syracuse for a dedication to a research facility that bears his name to continue his work. He worked with me on this bill. Part of his devotion was protecting privacy and combating unnecessary confidentiality of government papers. I really feel being here today helps extend and empower the work that he so brilliantly did in this body.

Our work today is extremely important; but it is far surpassed by the persistence that Holocaust survivors, historians, and researchers have shown for their search for the truth. I thank everyone who has worked to make this happen today.

Madam Speaker, I yield back the balance of my time.

Mr. SHAYS. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, again I thank the gentlewoman from New York (Mrs. MALONEY) for her extensive work on this legislation over a long period of time. I reinforce the gentlewoman's thank you and say that the gentleman from Virginia (Chairman TOM DAVIS) wants to be on the record thanking the gentleman from Wisconsin (Chairman SENSENBRENNER) and the gentleman from Michigan (Chairman HOEKSTRA) for waiving jurisdiction on S. 384 so we could take it up more quickly, and that was obviously very important.

I just want to say that I know the gentlewoman is going to ask for a roll call vote, and I join in that effort because I think Members want an opportunity to vote on this bill. I urge all Members to support the passage of S. 384.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I include the following exchange of letters between Chairman F. JAMES SENSENBRENNER, Jr., of the Committee on the Judiciary, Chairman PETER HOEKSTRA of the Permanent Select Committee on Intelligence and myself.

COMMITTEE ON THE JUDICIARY,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 14, 2005.

Hon. TOM DAVIS
Chairman, Committee on Government Reform,
House of Representatives, Washington, DC.

DEAR CHAIRMAN DAVIS: In recognition of the desire to expedite floor consideration of S. 384, "To extend the existence of the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group for two years," the Committee on the Judiciary hereby waives consideration of provisions of the legislation within the Committee's Rule X subject matter jurisdiction. Specifically, S. 384 extends the operation of the Nazi War Criminal Interagency Working Group established by Public Law 105-267. Section 3(b) of Public Law 105-267 created certain exceptions for the disclosure of records obtained by the Working Group. Section 3(b)(2)(A) excepts the disclosure of information that would "constitute a clearly unwarranted invasion of personal privacy." This matter falls within the Committee on the Judiciary's subject matter jurisdiction under rule X(1)(5) ("Civil liberties"). Section 3(b)(2)(C) also excepts the disclosure of information that would "reveal information that would assist in the development or use of weapons of mass destruction." This matter falls within the Committee on the Judiciary's subject matter jurisdiction under rule X(1)(19) ("Subversive activities affecting the internal security of the United States"). In addition, section (3)(c) creates an exception to the National Security Act of 1947. This section implicates the Committee on the Judiciary's jurisdiction under rule X(1)(19) ("Subversive activities affecting the internal security of the United States"). Finally, Section 3(3) pertains to the disclosure of records "related to or supporting any active or inactive investigation, inquiry, or prosecution of the Office of Special Investigations of the Department of Justice." This matter falls with the Committee on the Judiciary's subject matter jurisdiction under rule X(1)(1) ("The judiciary and judicial proceedings, civil and criminal.")

S. 384 also extends the operation of the "Japanese Imperial Government Disclosure Act" (Public Law 106-567), which expanded the scope of the Working Group to encompass the examination of crimes committed

by the Japanese government during World War II. Section 803(b)(1) of this legislation excepts the disclosure of information that would "constitute a clearly unwarranted invasion of personal privacy." This matter falls within the Committee on the Judiciary's subject matter jurisdiction under rule X(1)(1)(5) ("Civil liberties"). Section 803(b)(3) also excepts the disclosure of information that would "reveal information that would assist in the development or use of weapons of mass destruction." This matter falls within the Committee on the Judiciary's subject matter jurisdiction under rule X(1)(1)(10) ("Subversive activities affecting the internal security of the United States"). Finally, Section 803(d) pertains to the disclosure of records "related to or supporting any active or inactive investigation, inquiry, or prosecution of the Office of Special Investigations of the Department of Justice." This matter falls with the Committee on the Judiciary's subject matter jurisdiction under rule X(1)(1) ("The judiciary and judicial proceedings, civil and criminal").

The Committee on the Judiciary takes this action with the understanding that the Committee's jurisdiction over these provisions is in no way altered or diminished. I would appreciate the inclusion of this letter and your response to it in the Congressional Record during consideration of S. 384 on the House floor. Thank you for your consideration in this matter.

Sincerely,

F. JAMES SENSENBRENNER, Jr.,
Chairman.

CONGRESS OF THE UNITED STATES

Washington, DC, March 14, 2005.

Hon. F. JAMES SENSENBRENNER, Jr.,
Chairman, Committee on the Judiciary, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your recent letter regarding the Judiciary Committee's jurisdictional interest in S. 384, a bill to extend the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group.

I agree that the Committee on the Judiciary does not waive its jurisdiction over S. 384 or similar bills by waiving further consideration of this bill. I will include a copy of your letter and this response in the Congressional Record during consideration of the legislation on the House floor. Thank you for your cooperation as we work towards the enactment of S. 384.

Sincerely,

TOM DAVIS,
Chairman.

HOUSE OF REPRESENTATIVES,
March 11, 2005.

Hon. TOM DAVIS,
Chairman, Committee on Government Reform, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to confirm our mutual understanding with respect to the consideration of S. 384, a bill to extend the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group. The House Permanent Select Committee on Intelligence has a jurisdictional interest in S. 384.

In the interests of moving this important legislation forward, I do not intend to ask for sequential referral of this bill. However, I do so only with the understanding that this procedural route should not be construed to prejudice the House Permanent Select Committee on Intelligence's jurisdictional interest over this bill or any similar bill and will not be considered as precedent for consideration of matters of jurisdictional interest to the Committee in the future.

Finally, I would ask that you include a copy of our exchange of letters on this mat-

ter in the Congressional Record during the House debate on S. 384. Thank you for your consideration.

Sincerely,

PETER HOEKSTRA,
Chairman.

CONGRESS OF THE UNITED STATES,

Washington, DC, March 14, 2005.

Hon. PETER HOEKSTRA,
Chairman, House Permanent Select Committee on Intelligence, Capitol Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your recent letter regarding the House Permanent Select Committee on Intelligence's jurisdictional interest in S. 384, a bill to extend the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group.

I agree that the House Permanent Select Committee on Intelligence does not waive its jurisdiction over S. 384 or similar bills by waiving further consideration of this bill. I will include a copy of your letter and this response in the CONGRESSIONAL RECORD during consideration of the legislation on the House floor. Thank you for your cooperation as we work towards the enactment of S. 384.

Sincerely,

TOM DAVIS,
Chairman.

Mr. SHAYS. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Connecticut (Mr. SHAYS) that the House suspend the rules and pass the Senate bill, S. 384.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mrs. MALONEY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

PERMISSION FOR COMMITTEE ON GOVERNMENT REFORM TO HAVE UNTIL MIDNIGHT, MARCH 31, 2005, TO FILE REPORT ON OVERSIGHT PLANS

Mr. SHAYS. Madam Speaker, I ask unanimous consent that the Committee on Government Reform have until midnight, March 31, 2005, to file a Report on Oversight Plans under clause 2 of rule X.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 4 o'clock and 42 minutes p.m.), the House stood in recess until approximately 6:30 p.m. today.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BOOZMAN) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 135, by the yeas and nays;

H. Res. 101, by the yeas and nays; and

S. 384, by the yeas and nays.

The first and third electronic votes will be conducted as 15-minute votes. The second vote in this series will be a 5-minute vote.

HOUSE DEMOCRACY ASSISTANCE COMMISSION RESOLUTION

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 135.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from South Carolina (Mr. BARRETT) that the House suspend the rules and agree to the resolution, H. Res. 135, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 386, nays 2, not voting 46, as follows:

[Roll No. 66]

YEAS—386

Abercrombie	Brown (OH)	Davis (CA)
Ackerman	Brown (SC)	Davis (IL)
Aderholt	Burgess	Davis (KY)
Akin	Burton (IN)	Davis (TN)
Allen	Butterfield	Davis, Jo Ann
Andrews	Buyer	Davis, Tom
Baca	Calvert	Deal (GA)
Bachus	Camp	DeFazio
Baker	Cannon	DeGette
Baldwin	Cantor	Delahunt
Barrett (SC)	Capito	DeLauro
Barrow	Capps	DeLay
Bartlett (MD)	Cardin	Dent
Barton (TX)	Cardoza	Diaz-Balart, L.
Bass	Carnahan	Diaz-Balart, M.
Bean	Carson	Dicks
Beauprez	Carter	Dingell
Berkley	Case	Doggett
Berman	Castle	Doolittle
Berry	Chabot	Doyle
Biggert	Chandler	Drake
Bilirakis	Choccola	Dreier
Bishop (GA)	Clay	Duncan
Bishop (NY)	Cleaver	Edwards
Bishop (UT)	Clyburn	Ehlers
Blumenauer	Coble	Emanuel
Blunt	Cole (OK)	Engel
Boehlert	Conaway	English (PA)
Boehner	Conyers	Eshoo
Bonilla	Cooper	Etheridge
Bonner	Costa	Everett
Bono	Costello	Farr
Boozman	Cox	Fattah
Boren	Crenshaw	Ferguson
Boucher	Crowley	Finer
Boyd	Cubin	Fitzpatrick (PA)
Bradley (NH)	Cuellar	Foley
Brady (PA)	Cummings	Forbes
Brady (TX)	Cunningham	Ford

Fortenberry	Linder	Rogers (MI)	Capuano	Jones (OH)	Pence	Foley	Lewis (GA)	Rogers (AL)
Fossella	Lipinski	Rohrabacher	Cramer	Kelly	Peterson (MN)	Forbes	Lewis (KY)	Rogers (KY)
Fox	LoBiondo	Ros-Lehtinen	Culberson	Kilpatrick (MI)	Peterson (PA)	Ford	Linder	Rogers (MI)
Frank (MA)	Lofgren, Zoe	Ross	Davis (AL)	Knollenberg	Pryce (OH)	Fortenberry	Lipinski	Rohrabacher
Franks (AZ)	Lowey	Rothman	Davis (FL)	LaHood	Rangel	Fossella	LoBiondo	Ros-Lehtinen
Frelinghuysen	Lucas	Royal-Allard	Emerson	McCarthy	Sánchez, Linda	Fox	Lofgren, Zoe	Ross
Gallegly	Lungren, Daniel E.	Royce	Evans	Menendez	T.	Frank (MA)	Lowey	Rothman
Garrett (NJ)	Lynch	Ruppersberger	Feeney	Miller, George	Schwarz (MI)	Frelinghuysen	Lucas	Royal-Allard
Gerlach	Maloney	Rush	Flake	Nussle	Sessions	Gallegly	Lungren, Daniel E.	Royce
Gibbons	Manzullo	Ryan (OH)	Gutierrez	Pallone	Simpson	Garrett (NJ)	Lynch	Ruppersberger
Gilchrest	Marchant	Ryan (WI)	Hefley	Pascarell	Taylor (NC)	Gerlach	Mack	Rush
Gillmor	Markey	Ryun (KS)	Hinojosa	Payne	Walsh	Gibbons	Maloney	Ryan (OH)
Gingrey	Marshall	Sabo	Hunter	Pelosi	Wexler	Gilchrest	Manzullo	Ryan (WI)
Gohmert	Matheson	Salazar				Gillmor	Marchant	Ryun (KS)
Gonzalez	Matsui	Sanchez, Loretta				Gingrey	Markey	Sabo
Goode	McCaul (TX)	Sanders				Gohmert	Marshall	Salazar
Goodlatte	McCollum (MN)	Saxton				Gonzalez	Matheson	Sanchez, Loretta
Gordon	McCotter	Schakowsky				Goode	Matsui	Sanders
Granger	McCrery	Schiff				Goodlatte	McCaul (TX)	Saxton
Graves	McDermott	Schwartz (PA)				Gordon	McCollum (MN)	Schakowsky
Green (WI)	McGovern	Scott (GA)				Granger	McCotter	Schiff
Green, Al	McHenry	Scott (VA)				Graves	McCrery	Schwartz (PA)
Green, Gene	McHugh	Sensenbrenner				Green (WI)	McGovern	Schwarz (MI)
Grijalva	McIntyre	Serrano				Green, Al	McHenry	Scott (GA)
Gutknecht	McKeon	Shadegg				Green, Gene	McHugh	Scott (VA)
Hall	McMorris	Shaw				Grijalva	McIntyre	Sensenbrenner
Harman	McNulty	Shays				Gutknecht	McKeon	Serrano
Harris	Meehan	Sherman				Hall	McMorris	Shadegg
Hart	Meek (FL)	Shuster				Harman	McNulty	Shaw
Hastings (FL)	Meeks (NY)	Simmons				Harris	Meehan	Shays
Hastings (WA)	Melancon	Skelton				Hart	Meek (FL)	Sherman
Hayes	Mica	Slaughter				Hastings (FL)	Meeks (NY)	Sherwood
Hayworth	Michaud	Smith (NJ)				Hastings (WA)	Melancon	Shimkus
Hensarling	Millender-McDonald	Smith (TX)				Hayes	Mica	Shuster
Herger	Miller (FL)	Smith (WA)				Hayworth	Michaud	Simmons
Herseth	Miller (MI)	Snyder				Hensarling	Millender-McDonald	Skelton
Higgins	Miller (NC)	Sodrel				Herger	Miller (FL)	Slaughter
Hinche	Miller, Gary	Solis				Herseth	Miller (MI)	Smith (NJ)
Hobson	Mollohan	Souder				Higgins	Miller (NC)	Smith (TX)
Hoekstra	Moore (KS)	Spratt				Hobson	Miller, Gary	Smith (WA)
Holden	Moore (WI)	Stark				Hoekstra	Mollohan	Snyder
Holt	Moran (KS)	Stearns				Holden	Moore (KS)	Sodrel
Honda	Moran (VA)	Strickland				Holt	Moore (WI)	Solis
Hooley	Murphy	Stupak				Honda	Moran (KS)	Souder
Hooley	Murtha	Sullivan				Hooley	Moran (VA)	Spratt
Hostettler	Musgrave	Sweeney				Hoyer	Murphy	Sterns
Hoyer	Myrick	Tancredo				Hulshof	Murtha	Strickland
Hulshof	Nadler	Tanner				Hyde	Musgrave	Stupak
Hyde	Napolitano	Tauscher				Inglis (SC)	Myrick	Sullivan
Inglis (SC)	Neal (MA)	Taylor (MS)				Inslee	Nadler	Sweeney
Inslee	Neugebauer	Terry				Israel	Napolitano	Tancredo
Israel	Ney	Thompson (CA)				Issa	Neal (MA)	Tanner
Issa	Northup	Thompson (MS)				Istook	Neugebauer	Tauscher
Istook	Norwood	Thornberry				Jackson (IL)	Ney	Taylor (MS)
Jackson (IL)	Nunes	Tiahrt				Jackson-Lee	Northup	Taylor (NC)
Jackson-Lee	Oberstar	Tiberi				(TX)	Norwood	Terry
Jefferson	Obey	Tierney				Jefferson	Nunes	Thomas
Jenkins	Oliver	Towns				Jenkins	Oberstar	Thompson (CA)
Jindal	Ortiz	Turner				Jindal	Obey	Thompson (MS)
Johnson (CT)	Osborne	Udall (CO)				Johnson (CT)	Oliver	Tiahrt
Johnson (IL)	Ott	Udall (NM)				Johnson (IL)	Ortiz	Tiberi
Johnson, E. B.	Owens	Upton				Johnson, E. B.	Osborne	Tierney
Johnson, Sam	Oxley	Van Hollen				Johnson, Sam	Ott	Towns
Jones (NC)	Pastor	Velázquez				Jones (NC)	Owens	Turner
Kanjorski	Pearce	Visclosky				Kanjorski	Udall (CO)	Udall (NM)
Kaptur	Petri	Walden (OR)				Kaptur	Udall (NM)	Upton
Keller	Pickering	Wamp				Keller	Upton	Velázquez
Kennedy (MN)	Pitts	Wasserman				Kennedy (MN)	Velázquez	Walden (OR)
Kennedy (RI)	Platts	Schultz				Kennedy (RI)	Walden (OR)	Wamp
Kildee	Poe	Waters				Kildee	Wamp	Wasserman
Kind	Pombo	Watson				Kind	Wasserman	Schultz
King (IA)	Porter	Watt				King (IA)	Schultz	Watt
King (NY)	Portman	Weiner				King (NY)	Watt	Weiner
Kingston	Price (GA)	Weldon (FL)				Kingston	Weldon (FL)	Weldon (PA)
Kirk	Price (NC)	Weldon (PA)				Kirk	Weller	Whitfield
Kline	Putnam	Weller				Kline	Whitfield	Wicker
Kolbe	Radanovich	Westmoreland				Kolbe	Wicker	Wilson (NM)
Kucinich	Rahall	Whitfield				Kucinich	Wilson (NM)	Wilson (SC)
Kuhl (NY)	Ramstad	Wicker				Kuhl (NY)	Wilson (SC)	Wolf
Langevin	Regula	Wilson (NM)				Langevin	Wolf	Woolsey
Lantos	Rehberg	Wilson (SC)				Lantos	Woolsey	Wu
Larsen (WA)	Reichert	Wolf				Larsen (WA)	Wu	Wynn
Larson (CT)	Renzi	Woolsey				Larson (CT)	Wynn	Young (AK)
Latham	Reyes	Wynn				Latham	Young (AK)	Young (FL)
LaTourette	Reynolds	Young (AK)				LaTourette	Young (FL)	
Leach	Rogers (AL)	Young (FL)				Leach		
Lee	Rogers (KY)					Lee		
Levin						Levin		
Lewis (CA)						Lewis (CA)		
Lewis (GA)								
Lewis (KY)								

NAYS—2

McKinney

Paul

NOT VOTING—46

Alexander	Blackburn	Brown, Corrine
Baird	Boswell	Brown-Waite, Ginny
Becerra	Boustany	

□ 1857

Mr. SALAZAR changed his vote from “nay” to “yea.”

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

URGING ADDITION OF HEZBOLLAH TO EUROPEAN UNION'S TERRORIST ORGANIZATION LIST

The SPEAKER pro tempore (Mr. BOOZMAN). The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 101, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from South Carolina (Mr. BARRETT) that the House suspend the rules and agree to the resolution, H. Res. 101, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 380, nays 3, answered “present” 5, not voting 46, as follows:

[Roll No. 67]

YEAS—380

Abercrombie	Brady (TX)	Cummings
Ackerman	Brown (OH)	Cunningham
Aderholt	Brown (SC)	Davis (CA)
Akin	Burgess	Davis (IL)
Allen	Burton (IN)	Davis (KY)
Andrews	Butterfield	Davis (TN)
Baca	Buyer	Davis, Jo Ann
Bachus	Calvert	Davis, Tom
Baker	Camp	Deal (GA)
Baldwin	Cannon	DeFazio
Barrett (SC)	Cantor	DeGette
Barrow	Capito	Delahunt
Bartlett (MD)	Capps	DeLauro
Barton (TX)	Cardin	DeLay
Bass	Cardoza	Dent
Bean	Carnahan	Diaz-Balart, L.
Beauprez	Carson	Diaz-Balart, M.
Berkley	Carter	Dicks
Berman	Case	Dingell
Berry	Castle	Doggett
Biggert	Chandler	Doolittle
Bilirakis	Chocola	Doyle
Bishop (GA)	Clay	Drake
Bishop (NY)	Cleaver	Dreier
Bishop (UT)	Clyburn	Duncan
Blumenauer	Coble	Edwards
Blunt	Cole (OK)	Ehlers
Boehlert	Conaway	Emanuel
Boehner	Conyers	Engel
Bonilla	Cooper	English (PA)
Bonner	Costa	Eshoo
Bono	Costello	Etheridge
Boozman	Cox	Everett
Boren	Cramer	Farr
Boucher	Crenshaw	Fattah
Boyd	Crowley	Ferguson
Bradley (NH)	Cubin	Filner
Brady (PA)	Cuellar	Fitzpatrick (PA)

Foley	Lewis (GA)	Rogers (AL)
Forbes	Lewis (KY)	Rogers (KY)
Ford	Linder	Rogers (MI)
Fortenberry	Lipinski	Rohrabacher
Fossella	LoBiondo	Ros-Lehtinen
Fox	Lofgren, Zoe	Ross
Frank (MA)	Lowey	Rothman
Frelinghuysen	Lucas	Royal-Allard
Gallegly	Lungren, Daniel E.	Royce
Garrett (NJ)	Lynch	Ruppersberger
Gerlach	Mack	Rush
Gibbons	Maloney	Ryan (OH)
Gilchrest	Manzullo	Ryan (WI)
Gillmor	Marchant	Ryun (KS)
Gingrey	Markey	Sabo
Gohmert	Marshall	Salazar
Gonzalez	Matheson	Sanchez, Loretta
Goode	Matsui	Sanders
Goodlatte	McCaul (TX)	Saxton
Gordon	McCollum (MN)	Schakowsky
Granger	McCotter	Schiff
Graves	McCrery	Schwartz (PA)
Green (WI)	McGovern	Schwarz (MI)
Green, Al	McHenry	Scott (GA)
Green, Gene	McHugh	Scott (VA)
Grijalva	McIntyre	Sensenbrenner
Gutknecht	McKeon	Serrano
Hall	McMorris	Shadegg
Harman	McNulty	Shaw
Harris	Meehan	Shays
Hart	Meek (FL)	Sherman
Hastings (FL)	Meeks (NY)	Sherwood
Hastings (WA)	Melancon	Shimkus
Hayes	Mica	Shuster
Hayworth	Michaud	Simmons
Hensarling	Millender-McDonald	Skelton
Herger	Miller (FL)	Slaughter
Herseth	Miller (MI)	Smith (NJ)
Higgins	Miller (NC)	Smith (TX)
Hobson	Miller, Gary	Smith (WA)
Hoekstra	Mollohan	Snyder
Holden	Moore (KS)	Sodrel
Holt	Moore (WI)	Solis
Honda	Moran (KS)	Souder
Hooley	Moran (VA)	Spratt
Hostettler	Murphy	Sterns
Hoyer	Murtha	Strickland
Hulshof	Musgrave	Stupak
Hyde	Myrick	Sullivan
Inglis (SC)	Nadler	Sweeney
Inslee	Napolitano	Tancredo
Israel	Neal (MA)	Tanner
Issa	Neugebauer	Tauscher
Istook	Ney	Taylor (MS)
Jackson (IL)	Northup	Taylor (NC)
Jackson-Lee	Norwood	Terry
(TX)	Nunes	Thomas
Jefferson	Oberstar	Thompson (CA)
Jenkins	Obey	Thompson (MS)
Jindal	Oliver	Thornberry
Johnson (CT)	Ott	Tiahrt
Johnson (IL)	Owens	Tiberi
Johnson, E. B.	Oxley	Tierney
Johnson, Sam	Pastor	Towns
Jones (NC)	Pearce	Turner
Kanjorski	Pelosi	Udall (CO)
Kaptur	Petri	Udall (NM)
Keller	Pickering	Upton
Kennedy (MN)	Pitts	Velázquez
Kennedy (RI)	Platts	Visclosky
Kildee	Poe	Walden (OR)
Kind	Pombo	Wamp
King (IA)	Porter	Wasserman
King (NY)	Portman	Schultz
Kingston	Price (GA)	Watt
Kirk	Price (NC)	Weiner
Kline	Putnam	Weldon (FL)
Kolbe	Radanovich	Weldon (PA)
Kucinich	Ramstad	Weller
Kuhl (NY)	Regula	Whitfield
Langevin	Rehberg	Wicker
Lantos	Reichert	Wilson (NM)
Larsen (WA)	Renzi	Wilson (SC)
Larson (CT)	Reyes	Wolf
Latham	Reynolds	Woolsey
LaTourette		Wu
Leach		Wynn
Lee		Young (AK)
Levin		Young (FL)
Lewis (CA)		
Lewis (GA)		
Lewis (KY)		

NAYS—3

Rahall

Watson

ANSWERED “PRESENT”—5

Hinche	McKinney	Waters
McDermott	Stark	

NOT VOTING—46

Alexander	Feeney	Pallone
Baird	Flake	Pascarell
Becerra	Franks (AZ)	Payne
Blackburn	Gutierrez	Pence
Boswell	Hefley	Peterson (MN)
Boustany	Hinojosa	Peterson (PA)
Brown, Corrine	Hunter	Pryce (OH)
Brown-Waite,	Jones (OH)	Rangel
Ginny	Kelly	Sánchez, Linda
Capuano	Kilpatrick (MI)	T.
Chabot	Knollenberg	Sessions
Culberson	LaHood	Simpson
Davis (AL)	McCarthy	Van Hollen
Davis (FL)	Menendez	Walsh
Emerson	Miller, George	Waxman
Evans	Nussle	Wexler

□ 1905

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. VAN HOLLEN. Mr. Speaker, on rollcall No. 67, had I been present, I would have voted "yes."

EXTENSION OF NAZI WAR CRIMES AND JAPANESE IMPERIAL GOVERNMENT RECORDS INTER-AGENCY WORKING GROUP

The SPEAKER pro tempore (Mr. BOOZMAN). The pending business is the question of suspending the rules and passing the Senate bill, S. 384.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. SHAYS) that the House suspend the rules and pass the Senate bill, S. 384, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 391, nays 0, not voting 43, as follows:

[Roll No. 68]

YEAS—391

Abercrombie	Boozman	Cole (OK)
Ackerman	Boren	Conaway
Aderholt	Boucher	Conyers
Akin	Boyd	Cooper
Allen	Bradley (NH)	Costa
Andrews	Brady (PA)	Costello
Baca	Brady (TX)	Cox
Bachus	Brown (OH)	Cramer
Baker	Brown (SC)	Crenshaw
Baldwin	Burgess	Crowley
Barrett (SC)	Burton (IN)	Cubin
Barrow	Butterfield	Cuellar
Bartlett (MD)	Calvert	Cummings
Barton (TX)	Camp	Cunningham
Bass	Cannon	Davis (CA)
Bean	Cantor	Davis (IL)
Beauprez	Capito	Davis (KY)
Berkley	Capps	Davis (TN)
Berman	Cardin	Davis, Jo Ann
Berry	Cardoza	Davis, Tom
Biggert	Carnahan	Deal (GA)
Bilirakis	Carson	DeFazio
Bishop (GA)	Carter	DeGette
Bishop (NY)	Case	Delahunt
Bishop (UT)	Castle	DeLauro
Blumenauer	Chabot	DeLay
Blunt	Chandler	Dent
Boehlert	Chocola	Diaz-Balart, L.
Boehner	Clay	Diaz-Balart, M.
Bonilla	Cleaver	Dicks
Bonner	Clyburn	Dingell
Bono	Coble	Doggett

Doolittle	Kucinich	Rahall
Doyle	Kuhl (NY)	Ramstad
Drake	Langevin	Regula
Dreier	Lantos	Rehberg
Duncan	Larsen (WA)	Reichert
Edwards	Larson (CT)	Renzi
Ehlers	Latham	Reyes
Emanuel	LaTourrette	Reynolds
Engel	Leach	Rogers (AL)
English (PA)	Lee	Rogers (KY)
Eshoo	Levin	Rogers (MI)
Etheridge	Lewis (CA)	Rohrabacher
Everett	Lewis (GA)	Ros-Lehtinen
Farr	Lewis (KY)	Ross
Fattah	Linder	Rothman
Ferguson	Lipinski	Roybal-Allard
Filner	LoBiondo	Royce
Fitzpatrick (PA)	Lofgren, Zoe	Rush
Foley	Lowey	Ryan (OH)
Forbes	Lucas	Ryan (WI)
Ford	Lungren, Daniel	Ryun (KS)
Fortenberry	E.	Sabo
Fossella	Lynch	Salazar
Fox	Mack	Sanchez, Loretta
Frank (MA)	Maloney	Sanders
Franks (AZ)	Manzullo	Saxton
Frelinghuysen	Marchant	Schakowsky
Galleghy	Markey	Schiff
Garrett (NJ)	Marshall	Schwartz (PA)
Gerlach	Matheson	Schwarz (MI)
Gibbons	Matsui	Scott (GA)
Gilchrest	McCaul (TX)	Scott (VA)
Gillmor	McCollum (MN)	Sensenbrenner
Gingrey	McCotter	Serrano
Gohmert	McCrery	Sessions
Gonzalez	McDermott	Shadegg
Goode	McGovern	Shaw
Goodlatte	McHenry	Shays
Gordon	McHugh	Sherman
Granger	McIntyre	Sherwood
Graves	McKeon	Shimkus
Green (WI)	McKinney	Shuster
Green, Al	McMorris	Simmons
Green, Gene	McNulty	Skelton
Grijalva	Meehan	Slaughter
Gutknecht	Meek (FL)	Smith (NJ)
Hall	Meeks (NY)	Smith (TX)
Harman	Melancon	Smith (WA)
Harris	Mica	Snyder
Hart	Michaud	Sodrel
Hastings (FL)	Millender-	Solis
Hastings (WA)	McDonald	Souder
Hayes	Miller (FL)	Spratt
Hayworth	Miller (MI)	Stark
Hensarling	Miller (NC)	Stearns
Herger	Miller, Gary	Strickland
Herseeth	Mollohan	Stupak
Higgins	Moore (KS)	Sullivan
Hinchey	Moore (WI)	Sweeney
Hobson	Moran (KS)	Tancredo
Hoekstra	Moran (VA)	Tanner
Holden	Murphy	Tauscher
Holt	Murtha	Taylor (MS)
Honda	Musgrave	Taylor (NC)
Hooley	Myrick	Terry
Hovstettler	Nadler	Thomas
Hoyer	Napolitano	Thompson (CA)
Hulshof	Neal (MA)	Thompson (MS)
Hyde	Neugebauer	Thornberry
Inglis (SC)	Ney	Tiahrt
Inslie	Northup	Tiberi
Israel	Norwood	Tierney
Issa	Nunes	Towns
Istook	Oberstar	Turner
Jackson (IL)	Obey	Udall (CO)
Jackson-Lee	Oliver	Udall (NM)
(TX)	Ortiz	Upton
Jefferson	Osborne	Van Hollen
Jenkins	Otter	Velázquez
Jindal	Owens	Visclosky
Johnson (CT)	Oxley	Walden (OR)
Johnson (IL)	Pastor	Wamp
Johnson, E. B.	Paul	Wasserman
Johnson, Sam	Pearce	Schultz
Jones (NC)	Pelosi	Waters
Kanjorski	Petri	Watson
Kaptur	Pickering	Watt
Keller	Pitts	Waxman
Kennedy (MN)	Platts	Weiner
Kennedy (RI)	Poe	Weldon (FL)
Kildee	Pombo	Weldon (PA)
Kind	Pomeroy	Weller
King (IA)	Porter	Westmoreland
King (NY)	Portman	Whitfield
Kingston	Price (GA)	Wicker
Kirk	Price (NC)	Wilson (NM)
Kline	Putnam	Wilson (SC)
Kolbe	Radanovich	

NOT VOTING—43

Wolf	Wu	Young (AK)
Woolsey	Wynn	Young (FL)

Alexander	Evans	Nussle
Baird	Feeney	Pallone
Becerra	Flake	Pascarell
Blackburn	Gutierrez	Payne
Boswell	Hefley	Pence
Boustany	Hinojosa	Peterson (MN)
Brown, Corrine	Hunter	Peterson (PA)
Brown-Waite,	Jones (OH)	Pryce (OH)
Ginny	Kelly	Rangel
Buyer	Kilpatrick (MI)	Ruppersberger
Capuano	Knollenberg	Sánchez, Linda
Culberson	LaHood	T.
Davis (AL)	McCarthy	Simpson
Davis (FL)	Menendez	Walsh
Emerson	Miller, George	Wexler

□ 1922

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. KILPATRICK of Michigan. Mr. Speaker, personal business in my district prevents me from being present for legislative business scheduled for today, Monday, March 14, 2005. Had I been present, I would have voted "yea" on H.R. 135, authorizing the establishment of a House Democracy Assistance Commission (rollcall No. 66); "yea" on H. Res. 101, a resolution urging the European Union to Add Hezbollah to the List of Terrorist Organizations (rollcall No. 67); and "yea" on S. 384, to extend the Nazi and Japanese War Crimes Working Group (rollcall No. 68).

PERSONAL EXPLANATION

Mr. FLAKE. Mr. Speaker, I was regrettably absent from the Chamber today during rollcall votes 66, 67, and 68. Had I been present, I would have voted "nay" on rollcall 66, "yea" on rollcall 67, and "yea" on rollcall 68.

PERSONAL EXPLANATION

Mr. PASCARELL. Mr. Speaker, I rise to offer a personal explanation. Earlier today, I was unavoidably detained on rollcall votes 66, 67, and 68 due to prior obligation. Had I been present, I would have voted "yea" on rollcall vote 66 (H. Res. 135), "yea" on rollcall vote 67 (H. Res. 101), and "yea" on rollcall vote 68 (S. 384).

REAFFIRMATION OF AMERICAN INDEPENDENCE RESOLUTION

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, today I rise to ask my colleagues to join me in co-sponsoring House Resolution 97, the Reaffirmation of American Independence Resolution.

We have a serious problem with our country's judicial systemic. Oftentimes judges will cite foreign laws when interpreting the United States Constitution and our other laws. This happened

earlier this month when the Supreme Court cited international rulings and opinions in its decision to abolish the death penalty for juveniles.

Foreign laws and the beliefs of foreign governments should have no bearing whatsoever when it comes to interpreting American laws. Judges who take these outside opinions into account are legislating from the bench and abandoning their duty to interpret the U.S. Constitution.

It is time we hold our judges accountable for their actions. The Reaffirmation of American Independence Resolution states that judicial decisions should not be based on any foreign laws, court decisions or pronouncements of foreign governments. I strongly urge my colleagues to support this very important resolution.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BOOZMAN). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE UGLY FACE OF CAFTA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, this is the face of the Central American Free Trade Agreement.

This photo was taken by Reuters news service last week in Guatemala as police forces used tear gas and water cannons to beat back demonstrators who had united to speak out against the Central American Free Trade Agreement. Sadly, despite days of protests in organized worker strikes against CAFTA, the Guatemalan Congress ratified that trade agreement late last week.

It appears that politicians encouraged by multinational corporations fail to understand what their workers realize all too clearly: CAFTA is an empty promise that will keep workers in poverty while reaping huge profits for the corporate executives.

Throughout the developing world, Mr. Speaker, workers simply, unlike in this country in most cases, workers simply do not share in the wealth they create. Nike workers in Vietnam cannot afford the shoes they make. Disney workers in Costa Rica cannot afford the toys for their children. Motorola workers in Malaysia are unable to purchase the cell phone.

The North American Free Trade Agreement promised to create a thriving middle class in Mexico, promising higher wages, promising to lift people out of poverty. Eleven years later there is no newly created middle class realizing its dreams. Instead there is a fallen minimum wage and the ongoing nightmare of abject poverty, despite backbreaking work, despite deplorable working conditions.

Now President Bush wants to expand this failed trade policy with CAFTA, dysfunction cousin of NAFTA, involving five Central American countries: Costa Rica, Nicaragua, El Salvador, Honduras, and Guatemala.

CAFTA nations are not only among the world's poorest countries; they are among the smallest economies. With a \$62 billion combined economic output, about that of Columbus, Ohio, these nations can hardly serve as a growth engine for the \$10 trillion U.S. economy.

CAFTA is more about access to cheap labor and exporting American jobs than it is exporting U.S. goods and produce.

Trade pacts like NAFTA and CAFTA enable countries to exploit cheap labor in other countries and then import their products back into the United States under favorable terms. As a result, America, especially my State of Ohio, bleeds manufacturing jobs and runs unprecedented trade deficits.

The first year I ran for Congress, our trade deficit was \$38 billion. Today it is \$617 billion for calendar year 2004. Gregory Mankiw, then President Bush's chief economist, portrayed the exporting of jobs as inevitable and desirable saying, "When a good or service is produced more cheaply abroad, it makes more sense to import it than it does to provide it domestically."

What really makes sense is a trade policy that lifts workers up in rich and poor countries alike, while respecting human rights and democratic principles. Proof that CAFTA is a legacy of failing trade policies is evidence in this Congress's own inaction. For the last 5 years, Congress has typically voted within about 2 months, within 60 days of President Bush signing a trade agreement.

Nearly 300 days have elapsed since President Bush signed the Central America Free Trade Agreement, still this Congress has not acted because the majority of this Congress understands our trade policies have failed.

Proof that CAFTA is a failure can be seen in this photo, Mr. Speaker. In Guatemala today, thousands of workers united in a nationwide strike voicing opposition to a trade policy they know will fail them, one that American workers also know will fail us.

This is the result of these demonstrations, where police turn on this country's workers, workers who are simply opposing in a democratic, open demonstration opposing its government trade policies. Yet the U.S. continues to push for more of the same, more trade agreements that ship jobs overseas, more trade agreements that neglect essential environmental rules, more trade agreements that keep foreign workers in poverty.

Madness is repeating the same action over and over and over and expecting a different result. The United States with our unrivaled purchasing power and our enormous economic clout is in a unique position to help empower poor

workers in developing countries while promoting prosperity here at home.

When the world's poorest people can buy American products rather than just make them, we know then that our trade policies have finally succeeded.

NAVY AND MARINE CORPS ARE A TEAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I am back on the floor again. This will be the third year that the House Committee on Armed Services has supported a bill that I have put in to rename the Department of Navy to be Navy and Marine Corps.

Both the Marine Corps, the Navy, the Air Force and the Army have great histories, and I think the American people know and respect each and every one of them. But the Marine Corps does not have a Secretary of the Navy/Marine Corps.

The Marine Corps, in my opinion, deserves to have and it is about time that we recognize the four services equally and respectfully of each one of them.

Quite frankly, for two Congresses over the last 30 years, the Congresses have passed legislation that has said that we have four separate services, four separate services: Army, Navy, Marine Corps, and Air Force. And actually the Navy and Marine Corps are a team. And this is said so many times in the Committee on Armed Services. I have been on it for 10 years, and every time the commandant of the Marine Corps comes in or the CNO of the Navy or the admiral comes in or the Secretary of the Navy, they all say we are a fighting team. We are a team. We are this and we are that.

I agree with that, and I have great respect for both, but my question is why is the Marine Corps not recognized for its greatness? The Navy is great. The Army is great. The Air Force is great. Yet, we do not have a Department of Navy/Marine Corps. We do not have a Secretary of Navy/Marine Corps.

□ 1930

Mr. Speaker, tonight I brought on the floor an enlargement of the official letter of the Secretary of Navy to a Marine named Sergeant Michael Bitts. Sergeant Bitts was killed at the battle of Nasiriyah. He left a wife and three children, twins that he never saw. They were born after he was deployed.

It so happened that about a year ago the Department of Navy decided that Sergeant Bitts deserved and earned the Silver Star for valor in Iraq. What my colleagues see tonight, Mr. Speaker, is an enlargement of the citation itself and it says at the top, the official heading says Secretary of the Navy, Washington, D.C., ZIP code, and then to the left it has the Navy flag.

My question would be, Mr. Speaker, to the House and Senate, is, yes, this is

one wonderful way to remember a man who gave his life for his country who happened to be a Marine, but Mr. Speaker, I wonder if it would not mean more to his children, 10 and 15 years down the road, if the second post behind it, I have had an enlargement made of what it should be, which it says at the top, Mr. Speaker, it says the Secretary of Navy and Marine Corps, with the Navy flag and the Marine flag.

Mr. Speaker, this is what it is all about. This is a team, and I think it is time that the House, which has for 3 years, and now the Senate, seriously look at making the Department of Navy, Navy and Marine Corps, and I hope that this will be the year, 2005, that this will happen.

Again, I want to praise everyone in uniform, whether it be Army, Navy, Marine Corps, Air Force, and thank them for their service.

Mr. Speaker, as I close tonight, I want to say, I ask the good Lord to bless our men and women in uniform and their families. I ask God to please bless the families who have lost loved ones, in His loving arms to hold them, and God, I ask the good Lord to please bless America, to please bless the House and Senate that we will do what is right. I ask God to bless the President with wisdom, strength and courage to do what is right for this Nation. Three times I ask God bless, God bless, God bless America.

ORDER OF BUSINESS

Mr. EMANUEL. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore (Mr. DANIEL E. LUNGREN of California). Is there objection to the request of the gentleman from Illinois?

There was no objection.

ASSET PROTECTION TRUST LOOPHOLE IN BANKRUPTCY BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, as the House takes up the bankruptcy legislation, a glaring loophole remains untouched in this so-called reform bill. It is known as the Millionaire's Loophole. It is a proven windfall for the very wealthy and the very well connected. It was created by five States that passed laws exempting asset protection trusts from the Federal bankruptcy code.

These trusts allow wealthy individuals to stash funds, often in offshore accounts, for the purpose of hiding their assets from creditors after they declare bankruptcy.

What we are, in fact, doing in this bill is creating two bankruptcy laws, one for the well-connected and one for middle class families. Middle class families, over half of them who declare bankruptcy, do it because of health

care costs, and they are forced because of higher hospital costs or other type of health care expenses they did not expect and they do not have coverage, they seek bankruptcy protection. The wealthy, they have a special loophole here that protects their assets, wherever they may be, and sometimes in foreign accounts, and therefore, they have a bankruptcy law, one that treats them and all of their assets with a certain standard and another one that treats middle class families who are usually facing a health care crisis. That is not the way this legislation should be drafted.

We should have one bankruptcy bill for every American, not two bankruptcy bills, one for the very wealthy and connected and one for middle class families struggling with health care costs.

Whether the assets are villas, yachts, investments or a suitcase full of cash, they are untouchable in bankruptcy reorganizations for the well-to-do. Neither creditors nor the courts can reach into the asset protection trusts.

As one bankruptcy expert observed in the Wall Street Journal, "With this loophole, the rich won't need to buy houses in Florida or Texas to keep their millions."

What is ironic here is the bankruptcy bill is titled The Bankruptcy Abuse Prevention and Consumer Protection Act. If this loophole is not abuse, what is? While the bill keeps asset protection trusts in place, it makes it very hard for those who fall behind to work themselves out of the financial trouble they face.

More than half of all the bankruptcies in America are the result of catastrophic medical bills. Middle class families cannot pay. Rather than dealing with the health care crisis of uncontrollable costs, of lack of coverage, what has the infinite wisdom of this Congress done? Decided to come up with a bankruptcy piece of legislation that treats the wealthy one way and with one standard of protection and throws the middle class in front of the train, but if you can afford a high priced lawyer to set up an offshore trust, you are better off in bankruptcy court than if you are a middle class family trying to pay off of a massive hospital bill.

The right way to address this problem is to have bankruptcy legislation that treats every American the same, regardless of circumstance, regardless of income. That is not what this legislation does.

My colleague and I, the gentleman from Massachusetts (Mr. DELAHUNT) are offering an amendment to deal with this in the Committee on the Judiciary and to address this discrepancy in the law, but by preserving the asset protection trust loophole, the bankruptcy bill is protecting wealthy deadbeats from the same punishment, the same standards, the same rule of law that the legislation imposes upon every American, regardless of income.

Regrettably, the Senate voted down an amendment to close this loophole. We are going to be offering this amendment both in the Committee on the Judiciary as well as in the full House. I am glad that my colleague, the gentleman from Massachusetts (Mr. DELAHUNT), has joined me in this effort.

Our legislation would force the wealthy individuals and well-connected who are trying to cheat the system to limit the funds they can protect to a maximum of \$125,000, and importantly, this amendment does not affect retired Americans or take anything away from their nest egg and retirement security. It specifically carves out an exemption for retirees. It also protects charitable, educational and other trusts set aside for legitimate purposes.

Mr. Speaker, what kind of values does our bankruptcy code reflect when the abuses of the wealthy deserve more leeway than middle class families struggling with health care costs? We must address this discrepancy and these double standards continuously. We have it in our tax code. We have it in our educational system. We have it in our laws which allow our American corporations to set up in Bermuda and avoid taxes here in the country while middle class families struggle. We should not have bankruptcy legislation pass the United States Congress that sets up two laws, one that can afford lawyers and accountants to protect them and another one that is struggling and middle class families that are struggling to pay health care costs.

We can do better. It is time that this Congress show the wisdom to understand that every American will have the same laws applied to itself regardless of income.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

(Mr. OSBORNE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to speak out of turn and take the gentleman from Oregon's (Mr. DEFAZIO) time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

SMART SECURITY AND IRAQI SECURITY FORCES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, yesterday General Richard Myers, Chairman of the Joint Chiefs of Staff, announced that 142,000 members of the Iraqi security forces have been fully trained. That statement leads me to wonder, if the number of trained Iraqi security personnel equals the number of United States troops in Iraq, why have we not begun to bring our troops home?

If the Iraqi people are trained to protect their country, as General Myers claims, then why has the Bush administration left our troops to be sitting ducks in Iraq for the foreseeable future? Why are not the Iraqis relying on these 142,000 security personnel for the heavy burden of keeping Iraq secure?

Sadly, the Bush administration wants the American people to ignore the fact that together 150,000 American troops and 142,000 Iraqi troops have not been able to secure the country.

That is because by invading Iraq the Bush administration has created a whole new generation of terrorist recruits whose common tie is their hatred for the United States occupation.

This immoral, ill-conceived and unjust war against a country that never provoked us and never posed a threat to the United States has made Americans, and Iraqis alike, much less safe.

Most of the 1,500 U.S. troops who have been killed in Iraq died after President Bush made those now infamous remarks about the end of major combat operations in May of 2003, with the banner Mission Accomplished prominently displayed in the background. Mr. Speaker, the way to honor our brave troops is by preventing further lives from being lost. In addition to the 1,500 troops killed, more than 11,000 Americans have been severely wounded and a staggering tens of thousands of innocent Iraqi civilians have died in this war.

The tremendous cost of the war is no less dangerous to our security here at home because thousands of Iraqi insurgents have been created since we attacked Iraq. Congress has charged U.S. taxpayers over \$200 billion in less than 2 years to pay for the ongoing occupation of that country.

Imagine what we could do with \$200 billion. We could fund our Nation's homeland security efforts for an entire year or shore up the budget shortfalls of every single State in the country and still have billions of dollars left over to help reconstruct Iraq's decimated infrastructure.

Mr. Speaker, we need to pursue a new national security plan, one which defends America by relying on the very best of American values, our commitment to peace, our commitment to freedom, our compassion for the people of the world, and our capacity for multilateral leadership.

With the help of Physicians for Social Responsibility, the Friends Committee on National Legislation and Women's Action For New Direction, I have created a SMART security strategy for the 21st century. SMART stands for Sensible, Multilateral, American Response to Terrorism.

A SMART security strategy for Iraq means providing the developmental aid that can help create a robust civil society; building schools for Iraqi children so that they can learn about peace and freedom; water processing plants so all Iraqis will have clean drinking water; and ensuring that Iraq's economic infrastructure becomes fully viable in order to avoid a fiscal collapse.

Instead of troops, let us send scientists, educators, urban planners and constitutional experts to help rebuild Iraq's flagging economic and physical infrastructure and establish a robust and democratic civil society.

It is time for the Bush administration to pay attention to its own claims. If 142,000 Iraqi security forces have been trained, as General Myers told us yesterday, then the President should agree with me that it is time for the United States to cease playing a militaristic role in Iraq and begin playing a humanitarian role.

SMART security is the right approach for America in Iraq. The SMART approach would prevent any more American soldiers and Iraqi civilians from being needlessly killed. It would save the United States billions of dollars in military appropriations, and just as importantly, it would keep America safe. It is time for America to adopt a SMART security policy.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico (Mrs. WILSON) is recognized for 5 minutes.

(Mrs. WILSON of New Mexico addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

OIL PRODUCTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. GILCHREST) is recognized for 5 minutes.

Mr. GILCHREST. Mr. Speaker, in just a few minutes, the gentleman from Maryland (Mr. BARTLETT) will address the House for some period of time talking about energy sources, oil in particular, and the fact that many experts say that oil production, especially in the United States, but actually throughout the world, oil production of conventional oil under current patterns is expected to grow at a rate much faster, that means the use of oil by the world community is supposed to grow much faster than oil discovery production.

□ 1945

What is clear, because we are not sure exactly when that peak will come

in oil production, some say it is peaking right now, some say it will peak in 10 years, the amount of oil we get out of the ground will exceed the demand; but what is clear is that at some point in this century, world oil production will peak and then begin to decline. There is uncertainty about the date because many countries that produce oil do not provide credible data on how big their reserves are.

But more uncertainty calls for more caution, not less; and caution in this case means working to develop alternatives. When production of conventional oil peaks, we can expect a large increase in the price up to the price of the substitutes, whether so-called unconventional oil or renewable fuels. Although increasing domestic production may ease oil dependence slightly, the United States is only 3 percent of the world's estimated oil reserves and uses 25 percent of the world's oil.

I want to explain just from the perspective of the United States the huge increase in energy demand in the last century. I am going to use the word "quadrillion." Quadrillion is a number. If I put 1 followed by 15 zeroes, I have the number quadrillion. To measure energy use in a country, we use BTUs, British thermal units. A new furnace, whether oil or natural gas, you see the BTU to determine how much energy it is going to use. When you use BTUs to determine how much energy a country uses, you use a short term for quadrillion called "quads."

In 1910, the United States used 7 quads of BTUs. That is 7 quadrillion BTUs. In 1950, the United States used 35 quadrillion BTUs. In 2005, the United States uses 100 quadrillion BTUs, and we are accelerating that. We are increasing demand for oil for our energy needs. The world right now, 2005, uses 345 quadrillion BTUs, an enormous amount of energy.

We know today that our appliances, whether a washing machine, a refrigerator or dishwasher, we know they are much more efficient than they ever were, certainly 20, 30, 40 years ago; and yet we are using more electricity, not less. We know that automobiles and trucks and our transportation is much more efficient than it was 20 years ago, and yet the demand is increasing. We burn more coal, more natural gas. Each home, as efficient as each home is today, burns much more oil and electricity because of the demand on energy needs. We are not decreasing by getting efficient. Because our demand is greater, we are using more and more.

The question is if we are increasing demand and production is going to peak now or in the next decade or two and our production goes down while the demand goes up, especially with oil reserves, are we at the early stages of the twilight for oil as an energy source? And if we are, what do we do?

Well, the gentleman from Maryland (Mr. BARTLETT) will speak on a number of aspects of oil production decline. We will talk much further about the details of the solution to the problems of

our energy decline, but I want to close with two last things: How do we harness a new alternative energy source and make it replace what we have been using for more than 2 centuries? How do we do that? We do it with initiative, ingenuity, intellect, vision, and leadership. Remember when I said quadrillion was one with 15 zeroes and talked about how much energy we use, and right now it is 100 quadrillion BTUs, we are not too far away from understanding how to separate hydrogen and oxygen; that is heavy hydrogen from oxygen in seawater.

If we can slow light down 186,000 miles a second to zero, we can stop light, we can put information in a molecule, we understand the human genome, we will be able to use our ingenuity to tap 10 trillion quadrillion quads of BTUs in seawater. Our energy demand is increasing; oil production is decreasing. With intellect and leadership, we can transition to a new fuel source.

OIL DEMANDS

The SPEAKER pro tempore (Mr. DANIEL E. LUNGREN of California). Under the Speaker's announced policy of January 4, 2005, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes as the designee of the majority leader.

Mr. BARTLETT of Maryland. Mr. Speaker, in this first chart we have some headlines from The Washington Post just a month or so ago. These are headlines from just one day in The Washington Post. The Dow drops 174 points driven, the article says, by economic damage from rising oil prices, the plunging dollar, and growing worries about consumer spending. It goes on to say that a recent oil price rise of 20 percent is continuing to crunch the profits of struggling airlines and is believed to be a factor in disappointing retail sales.

Another headline: "Dollar Slides Against the Euro and the Yen." And another headline: "Consumer Confidence Slips in February."

Now, should we have had any indication that these were going to be the kinds of headlines that we have been reading in our paper recently? We need to go back a few years, as indicated on this next chart. Let us go back to the 1940s and the 1950s when a scientist by the name of M. King Hubbert, a geologist, was working for the Shell Oil Company. He was watching the discovery and the exploitation and final exhaustion of individual oil fields. He noticed that every oil field followed a very typical pattern. It was a little slow getting the oil out at first, and then it came very quickly and reached a maximum, and then it tailed off as it became more difficult to get the oil out of the ground.

This followed a bell curve. Here is one of those bell curves. Now, bell curves are very familiar in science, and in life, for that matter. If we look at

people and how tall they are, we will have a few people down around 4½ or 5 feet and some up to 7½ feet; but the big mass fall in the middle, clustered around 5½ to 6 feet.

Looking at a yield of corn, a few farmers may get 50 bushels per acre, some may get 300, but the big mass today it is somewhere around 200 bushels per acre for corn.

Hubbert noticed when the bell curve reached its peak, about half of the oil had been exhausted from the field. Being a scientist, he theorized if you added up a lot of little bell curves, you would get one big bell curve, and if he could know the amount of reserves of oil in the United States, and he was doing this in the 1940s and early 1950s, and could project how much more might be found, he could then predict when the United States would peak in its oil production.

Doing this analysis, he concluded that we would peak in our oil production in 1970. This curve is what is known as Hubbert's Curve. The peak of the curve is what is known as Hubbert's Peak. Sometimes this is called the "great rollover" because when you get to the top, you roll over and start down the other side. It is frequently called "peak oil." So peak oil for the United States occurred in 1970, and it is true that every year since then we have pumped less oil and found less oil. The big blue squares here are the actual and Members see they deviated a little from the theoretical as M. King Hubbert predicted, but not all that much.

At the bottom, see the difference the big field in Alaska made, and see what that made in the down slope, that never increased production in our country. It just meant that we were not going down quite as fast. You can see that here on the curve. Notice that the Alaska oil production was not the typical bell curve. It should have been, but a couple of things meant it could not be. One was it could not flow at all until we had a 4-foot pipeline. So the fields were developed and they were waiting; then we got the pipeline on board, and it was filled with oil and oil started to flow, and Members see the rapid increase here. It could not flow any faster than through that 4-foot pipe, and so it levels off at the top. We have pumped probably three-fourths of the oil in Prudhoe Bay.

Many people would like to open up ANWR. ANWR has considerably less oil than Prudhoe Bay, so the contribution will be significantly less. I want to note on this chart we also have the red curve, which is the theoretical curve for the former Soviet Union. It is a nice bell curve, peaking a little higher, they have more reserves than we do, and later because we entered the industrial age with vigor before the Soviet Union was quite there. Notice what happened when they came apart; notice how precipitously it fell here. After they got things organized, the fall stopped and now they are producing

more oil. As a matter of fact, we might see a little upsurge in this; but the general trend is still going to be down.

On the next chart, and we have here the same Hubbert Curve, but the abscissa is a little too long and the ordinate a little too compressed, so it is not the sharp peak that we saw before. That is the curve we saw before. It shows the Texas component, and it shows the rest of the United States; and it also shows some natural gas liquids. We learned how to extract those a little later. So if you were plotting that as a bell curve, it would peak about here. It is little and then it is much, and then it tails off.

This is the contribution of Alaska, and you can see this not going to be our salvation to pump ANWR because ANWR contains probably not even half as much as Prudhoe Bay. And notice the small contribution that Alaska made. And that is not a bell curve for the reason I mentioned before because we had to develop the fields and they waited for the pipeline, and then it would surge through the pipeline when it was developed. So you do not see the tail getting greater and tailing off.

This is gulf oil. Remember the hulla-balloo about the big finds of gulf oil that were going to solve our problem? That is what it did. There never was a moment in time between the big Alaska oil find and all of the pumping discovery and pumping in the gulf, there never was a moment in time when it decreased the fall in our country. The peak occurred, as you see here, about 1970.

Now, the next chart shows what is happening worldwide.

□ 2000

The red curve here shows the actual discovery of oil. Notice that that peaked. There was a big find here that distorted the curve a little but if you rounded that off, you would have the typical bell curve. It started somewhere back here off the chart, then it peaks, and then it is downhill and it tails off. These are the discoveries. The last find there is simply an extrapolation. We have no idea where it is going.

We are, by the way, very good at finding oil now. We use 3D seismic detection techniques. The world has drilled, I think, about 5 million oil wells and I think we have drilled about 3 million of them in this country, so we have a pretty good idea of where oil is.

A couple of Congresses ago, I was privileged to chair the Energy Subcommittee on Science. One of the first things I wanted to do was to determine the dimensions of the problem. We held a couple of hearings and had the world experts in. Surprisingly from the most pessimistic to the most optimistic, there was not much deviation in what the estimate is as to what the known reserves are out there. It is about 1,000 gigabarrels. That sounds like an awful lot of oil. But when you divide into that the amount of oil which we use,

about 20 million barrels a day, and the amount of oil the rest of the world uses, about 60 million barrels a day, as a matter of fact, the total now is a bit over the 80 million that those two add up to. About 83½, I think. If you divide that into the 1,000 gigabarrels, you come out at about 40 years of oil remaining in the world. That is pretty good. Because up until the Carter years, during the Carter years, in every decade we used as much oil as had been used in all of previous history. Let me repeat that, because that is startling. In every decade, we used as much oil as had been used in all of previous history. The reason for that, of course, was that we were on the upward side of this bell curve. The bell curve for usage, only part of it is shown on this chart. That is the green one down here, the bell curve for usage. Notice that we are out here now about 2005. Where is it going? The Energy Information Agency says that we are going to keep on using more oil. This green line just going up and up and up is a projection of the Energy Information Agency. But that cannot be true. That cannot be true for a couple of reasons. We peaked in our discovery of oil way back here in the late sixties, about 1970. In our country it peaked much earlier than that, by the way. But the world is following several years behind us. And the area under this red curve must be the same as the area under the green curve. You cannot pump any more oil than you have found, quite obviously. If you have not found it, you cannot pump it. If you were to extend this on out where they have extended their green line, even if it turned down right there at the end of that green line, the area under the green curve is going to be very much larger than the area under the red curve. That just cannot be. We will see in some subsequent charts that we probably have reached peak oil.

Let me mention that M. King Hubbert looked at the world situation. He was joined by another scientist, Colin Campbell, who is still alive, an American citizen who lives in Scotland. Using M. King Hubbert's predictive techniques, oil was predicted to reach a maximum in about 1995, without perturbations. But there were some perturbations. One of the perturbations was 1973, the Arab oil embargo. Other perturbations were the oil price shocks and a worldwide recession that reduced the demand for oil. And so the peak that might have occurred in 1995 will occur later. How much later? That is what we are looking at this evening. There is a lot of evidence that suggests that if not now, then very quickly we should see world production of oil peak.

What are the consequences? What are the consequences of this depletion? The remaining oil is harder to get. It requires greater energy investment, resulting in a lower return on energy invested. That is the energy-profit ratio, which is decreasing. When we started out, you put in one unit of energy and

you could get 30 out. Then that fell off, and then we found a few more fields and we got really good at extracting oil with better techniques. It looked for a little while like it was going up, but look what happened. It falls off to where it would have come anyhow if this curve had simply gone down. This is an inevitable consequence of pumping a field.

Lower profits are not the only concern. When more energy is required to extract it than is contained in the recovered oil, that is, when this ratio is less than 1, notice, we are over there at about 1984, we have got to get now another 20 years, I am not quite sure where we are now when you plot that day. We are getting very close to the unit it takes as much energy to get the oil out as you get out of the oil. It may still seem profitable from a monetary perspective, but when you are using more energy to get oil out of the ground than you are getting out of the oil, then clearly you need to leave it there when we reach that point. I mentioned the bump there was caused by a few more discoveries and particularly by increased efficiency in pumping the oil.

What is the current U.S. status? We have only 2 percent, between 2 and 3 percent, not really known for certain, but approximately 2 percent of the known reserves of oil. We use 25 percent of the world's oil. By the way, we have about 8 percent of the world production. What that means is if we have only 2 percent of the reserves and 8 percent of the production, that means we are real good at pumping oil, does it not? That means we are pumping our reserves at roughly four times faster than the rest of the world. That means that this 2 percent will not stay 2 percent by and by because we are so good at pumping oil, we are going to be down to 1 percent of the known reserves in the world and we will still be using about 25 percent of the world's oil. We are now importing about two-thirds of that. At the Arab oil embargo we imported about one-third of that. So we are now importing, relatively, two times more oil, actual quantity much more than that, but relatively about two times more oil.

Chart 6 shows us that more drilling just will not solve the problem. This is a very interesting chart. This shows the difference between the amount of oil that you are finding and the amount of oil that you are pumping. Notice from 1960 on until about 1980, declining for sure, but every year except for one we found more oil than we pumped. The yellow line up here is drilling. You remember the Reagan administration and all the emphasis on drilling because we knew that we were approaching this flipover point where we were going to be pumping more oil than we found and so there was a rationale that if you just give them a profit motive and you have the right incentives, tax and regulatory incentives and so forth, they will go out and

they will dig more wells and they will find more oil. Sure as heck they went out and dug more wells. But did they find any more oil? As a matter of fact, in 1982, more oil was used in looking for oil than the oil they found in 1982. Pretty consistently for every year after 1982, we have used more oil than we found. Today worldwide we are pumping at least six barrels of oil for every barrel that we find.

Chart 7 shows that worldwide discoveries are repeating the U.S. pattern. This is a rough bell curve. You find a big find of oil and it is going to make a spike. This is average for 5 years. If you look at it on a year for year, it is really up and down as you find big reservoirs of oil. But generally it starts low and it goes up and it comes down. It follows roughly a bell curve. I would not pay too much attention to the figures on the ordinate here, because the area under this curve must equal just a little bit over 2,000 gigabarrels of oil. If I visually sum the area under this curve, it is going to equal something more, not frightfully more but something more than 2,000 gigabarrels of oil which from other sources we know ought to be the total amount of oil under the sun. Notice that we are tailing off to something very low. It is unlikely that we are going to find big additional finds in the future. Again, we are very good at that. We have dug about 5 million wells worldwide. We have done a whole lot more than that explorations with detonations and seismic and 3D and computers and we are very good at looking at the kind of geology where you might find oil. There is just no real expectation that there are going to be big additional fields of oil found out there. This dropoff in discovery is really in spite of very improved technology for finding oil.

Chart 8. This is a very interesting chart. It has nothing to do with time, because on the abscissa here, we have the number of wells that are drilled, the cumulative oil caps, and on the ordinate, we have the amount of oil that was found. For any relatively big field, here we are talking about 50 gigabarrels. Remember, there are about 2,000 gigabarrels worldwide, so this is a meaningful part of the world reserves of oil. We see that that goes up and up and then it tails off. You cannot find what is not there. No matter how many more wells you drill, you are not going to find oil that is not there. The same pattern should be apparent on a world scale.

Chart 9. This is a very interesting chart. It is a little too busy, but let me try to explain what is there. The oil companies for reasons of pricing and regulations and so forth have had the habit through the years of underreporting initially how much oil they found. Then later when it was appropriate to their license to produce more oil, they would report additional oil. They never found any additional oil, they simply reported oil they had found previously. By the way, you may

have noted that three times in the last roughly 3 weeks, oil companies have admitted that their estimates of the reserves were exaggerated and have downscaled the reserves that they said were there. If you took the original reporting of the reserves, you might be able to construct a curve, a straight line curve which said we are just getting more and more. But if you backdated that to the actual discoveries, then you get this curve. This curve is asymptoting at a bit over 2,000 gigabarrels, which is about what the world's experts say had been there. We have now pumped about half of that. We have about 1,000 gigabarrels remaining.

What now? Where do we go now? One observer, Matt Savinar, who has thoroughly researched the options, and this is not the most optimistic assessment, by the way, but may be somewhat realistic, he starts out by saying, Dear Readers, civilization as we know it is coming to an end soon. I hope not. This is not the wacky proclamation of a doomsday cult, apocalypse Bible sect or conspiracy theory society. Rather, it is a scientific conclusion of the best-paid, most widely respected geologists, physicists and investment bankers in the world. These are rational, professional, conservative individuals who are absolutely terrified by the phenomenon known as global peak oil.

Why should they be terrified? Why should they be terrified just because we have reached the peak of oil production? Last year, China used about 30 percent more oil. India now is demanding more oil. As a matter of fact, China now is the second largest importer of oil in the world. They have passed Japan. When you look at how important oil is to our economy, you can understand the big concern if, in fact, we cannot produce oil any faster than we are producing it now and there are increasing demands, as there will be, for oil. In our country, for instance, we have a debt that we must service. It will be essentially impossible to service that debt if our economy does not continue to grow. So there are enormous potential consequences, which is why he says that these people are absolutely terrified by the phenomenon known as peak oil.

What can we do to avert the kind of a catastrophe that he hints at with those words? We must not squander an opportunity. One is always reminded of Malthus. I am sure you have heard of him. He was looking at the increase in world population and he looked at our ability to produce food and he says, gosh, those two curves are going to cross because the world population was increasing faster than our ability to produce food and we are going to have mass starvation. That did not happen. The reason that did not happen was because Malthus could not have anticipated the green revolution, which, by the way, was made possible almost entirely, well, the plant science had a lot to do with it but better plants and bet-

ter genes without the fertilizer to make them grow is not going to do you much good, so the green revolution was very largely the result of our intensive use of oil. Most people do not know it, but all of our nitrogen fertilizer is made from natural gas. You may have observed that when you have a thunderstorm in the summertime, your lawn is greener than when you have watered it.

□ 2015

That is because of what is known as poor man's fertilizer. The lightning combines some of the nitrogen so they can be carried down by the water and one's lawn is, in fact, greener after a thunderstorm than it is when they water it. We have kind of learned how to mimic lightning, and we now know how to make nitrogen fertilizer from gas. By the way, before we knew how to do that, the only sources of nitrogen fertilizer were barnyard manururers. If one is on the Eastern Shore with a lot of chickens, one could go a long way with that now in agriculture, could one not? But barnyard manururers would fertilize only a tiny percentage of the nitrogen needs of our plants.

And other than that it was guano. My colleagues know what guano is. Guano is the droppings of bats or of birds on a tropical island, their droppings accumulating for thousands of years, and there was a major industry in sending ships around the world to tropical islands and getting the guano.

We must not squander the opportunity that we have. Jevons Paradox becomes applicable here. Just a word about what Jevons Paradox is because I am going to mention it a time or two again. But Jevons Paradox says that frequently when one works to solve a problem, they really make the situation worse.

Let me give one little example. Suppose there is a small businessman who owns a store. He is really concerned about peak oil, and he is concerned about energy, and he wants to do something. His little store is using \$1,000 worth of electricity a month, and he decides that he can really cut that use. So he does several things. He gets a storm door. He puts on storm windows. He insulates more. He turns down the thermostat, and he asks his workers to wear sweaters. And he is successful because he reduces his electric bill from \$1,000 to \$500. Almost no matter what he does with that \$500, he has just made the situation worse by doing that.

Let me explain. One of the things that he may do, and it is a natural thing for a small businessperson to do, he may decide, I could hire more people and have a bigger business if I expanded. And so now he will expand, and he will still be using as much energy. Or if he decides to invest his money, if he invests his money in the bank, the bank will lend his money out five or six times, and at least some of those loans will be to small business people. And

what the small business people will do is to create jobs and use energy. So the store owner is concerned about energy and the environment and being a responsible citizen, cutting his use of electricity, because everybody did not do it, because only he did it and nobody took advantage of the opportunity that was presented because he used less energy, he really contributed to the problem.

Because after he expanded his business, he would be using still more energy. Or if the money was lent out by the bank and small businesses created more jobs and they used more energy, the situation would have just gotten worse.

All that the "green revolution" did was temporarily extend the caring capacity of the world. If we think about that, ultimately if we cannot do something about it to stabilize it, the green revolution just made matters worse. In the meantime we have all eaten very well in spite of the fact that about a fifth of the world will go to bed hungry tonight; but on the average, we are eating very well, and because of the average American, we are eating maybe too well.

But what we have done with the green revolution is to permit the population of the world to double and double again. So if we cannot now make sure that we stabilize population and bring it to the point where it can be supported by a technology where there is not what was ordinarily perceived as an inexhaustible supply of oil, there will simply be more people out there to be hungry and starved if we cannot meet their needs. So we have got to make sure that whatever we do to solve this problem that Jevons Paradox does not contribute.

Chart 10, this shows that this growth cannot be sustained forever. The greatest power in the universe, Albert Einstein was asked this question: Dr. Einstein, you have now discovered the ability to release energy from the atom. We get just incredible amounts of energy from the atom. A relatively small amount of fuel in one of our big submarines will fuel it for 33 years now. Enormous energy density. And they asked him, Dr. Einstein, what is the most energy-intensive thing in the world? He said, "It is compound interest."

That is what we have here in this exponential curve. And by the way, we, and when I say "we," I mean the world, have been using oil as if our economy could just continue to grow on this unlimited exponential curve. Whether it is 2 percent a year or 5 percent a year or near 10 percent, which is what China has been growing in the last few years, we are still on an exponential curve. Not quite so steep if we are on a lower growth rate. It goes up and up forever and ever.

Obviously, there is not an inexhaustible amount of oil in the world; so we have the exhaustible resource, which is this lower curve. It reaches a peak,

which, if not now, shortly. Oil, as the Members may have noticed, is \$54 or \$55 a barrel. I saw the other day one future had sold for \$100 a barrel, and the experts are saying we are probably going to see \$60 before we see \$50. We will wait and see.

The third curve here is the renewable resource curve. Do not be confused by the size of these curves. They are simply placed here so that lines would not cross other lines. But in actual practice, the renewable resource curve is likely to be nowhere near the peak of the exhaustible resource curve, energy.

Let me give a little example of what the problem is and why this is almost certainly true. One barrel of oil, 42 gallons of oil, equals the productivity of 25,000 manhours. That is the equivalent of having 60 dedicated servants that do nothing but work for someone. We can get a little better real-life example of this. A gallon of gas will drive a 3-ton SUV, and some of those are better than others, and let us say it takes it 20 minutes, which some will but most will not. Most are around 10. But let us say one gallon of gas will take a 3-ton SUV 20 miles at 60 miles an hour down the road. That is just one little gallon of gas, which, by the way, is still cheaper than water. We pay more for water in the grocery store than we pay for gas at \$2 a gallon at the pump, added up.

How long would it take one to push their 3-ton SUV the equivalent of 60 miles an hour, 20 miles down the road? To get some idea of the energy density in these fossil fuels, there is just nothing out there in the alternatives that have anything like this energy density. There are some potentials, nuclear, and we will talk about those in a little bit. But of the general renewables, there is nothing out there with that kind of density. So this curve is likely to be much lower than this curve; and notice that if it is, in fact, going to be renewable, it cannot go to an unrealistic height. There is only so much wood to cut. Easter Island had that experience. When they cut the last tree, they totally changed the ecology.

The Bible talks about the large clusters of grapes and the honey and so forth that they found when the spies went out. That now is a desert. The Cedars of Lebanon, the grand Cedars of Lebanon that built the temple, that is now largely a desert. Why is it a desert? Because they cut the trees, they changed the environment, they changed the climate. So obviously this line has to be a reasonable sustainable level. It just cannot go on forever.

The challenge, then, is to reduce consumption ultimately to a level that cannot be sustained indefinitely without succumbing to Jevons Paradox.

How do we buy time, the time that we will need to make the transition to sustainability? Obviously, there are only two things that we can do to buy time. One is to conserve, and the other is to be more efficient. And the gentleman from Maryland (Mr. GILCHREST) mentioned our increasing efficiency.

We have done a great job. Our refrigerators today are probably twice as efficient as they were 20 or 30 years ago. But instead of a little refrigerator, we have a big one. Instead of one, we may have two. So I will bet we are using as much electricity in our refrigeration as we ever used.

Conservation, we can do that. Remember several years ago when there were brownouts, blackouts in California and we were predicting, boy, the next year is really going to be rough? Do the Members know why it was not and we did not see any headlines about blackouts in California? Because knowing that there was a problem, the Californians, without anybody telling them they had to, voluntarily reduced their electricity consumption by 11 percent. That is pretty significant. And that avoided the rolling blackouts or brownouts.

And, finally, we must commit to major investments in alternatives, especially as efficiencies improve. This must ultimately lead to the ability to do everything within the capability of renewable resources. If we have got a solar breeder, and this shows a picture of a solar breeder. That, by the way, is about 5 miles from my home. It was built by Solarex, and it is a sign of the times. Mr. Speaker, this is now owned by BP. They know that oil is not forever. They are now the world's second largest producer of solar panels.

A few years ago, the largest buyer of solar panels in the world, and I do not know if that is true today, but a few years ago it was Saudi Arabia. Why would Saudi Arabia, with the most oil in the world, be the biggest purchaser of solar panels in the world? The reasons are very simple. These are not dumb people, and they figured out that solar panels were better for them in producing electricity than oil because they had widely distributed communities that were very small. Electrons in a wire are very different than oil in a pipeline. Put a gallon of oil in a pipeline up at Prudhoe Bay, and a gallon will come out where it goes on the ship. If we put electrons in a line which is long enough, nothing will come out in the other end. It is called line loss.

And they knew that in their small communities, widely distributed, with the enormous line losses they had from big plants, that they would be better off with distributed production.

By the way, just a hint to our people who are concerned with homeland security, the more distributed production we have, the less vulnerable we are going to be to terrorist attacks on our power infrastructure.

Transition to sustainability will not happen if left applying market forces alone. Everyone must be part of the effort or Jevons Paradox will prevail. If only our country tries to do it and nobody else helps, we will just put off the day when we must make the transition, and it will be even more difficult. The market will, indeed, signal the arrival of peak oil. To wait until it does,

however, is like waiting until we see a tsunami: by then it may be too late to do anything.

We now are doing a lot of talking here in the Congress and fortunately across the country about Social Security, and it is a big problem. But I tell the Members if the problem of Social Security is equivalent to the tidal wave produced by the hurricane, then this peak oil problem is equivalent to the tsunami. The impact and the consequences are going to be enormously greater than the impact and the consequences of Social Security or Medicare or those two put together.

□ 2030

It will take a sustained, conscious, coordinated national and even international, effort. If everybody is not working together and buying time by conserving and being efficient and using wisely that time we bought, then all we do is put off the inevitable.

The hydroelectric and nuclear power industries did not arise spontaneously from market forces alone. They were the product of a purposeful partnership of public and private entities focused on the public good. This is what we have to do relative to alternatives.

As I mentioned, California solved their energy crisis by voluntarily reducing their demand for electricity. Time, capital and energy resources are all finite. We have only so much time until it would be too late to avoid a real problem. Capital is limited and energy resources are certainly limited.

This time it will not be like the seventies. The big difference between now and the seventies is that in the seventies, we were just going up this curve, we were nowhere near the top of the curve, so there was always the ability to expand, to surge. If, in fact, we are now at peak oil, there is no such ability remaining.

Is there any reason to remain optimistic or hopeful? Let me go back to Matt Savinar, that not-too-optimistic journalist. "If what you mean is there any way technology or the market or brilliant scientists or comprehensive government programs are going to hold things together or solve this for me or allow for business to continue as usual, the answer is no. On the other hand, if what you really mean is is there any way that I still can have a happy, fulfilling life, in spite of some clearly grim facts, the answer is yes. But it is going to require a lot of work, a lot of adjustments, and probably a bit of good fortune on your part."

What now? Well, what we need to do now clearly is to buy time, and we buy that, as I mentioned, with efficiency and conservation. This will keep energy prices affordable. If demand continues to increase and output cannot increase, energy prices are going through the ceiling.

So we have got to reduce demand so that prices do not get so high that it is impossible to invest the capital necessary to develop the alternatives,

using existing conventional technologies to make the transition as new technologies are developed.

We must use it wisely. If we do not use it wisely, and I have talked about Jevons Paradox several times, we have got to make investments in efficient, sustainable technologies, further reduce requirements for energy in any form, making smaller systems feasible which reduce both initial and operating costs.

The benefits are enormous. Additional benefits include business opportunities, lots of business opportunities we do not even dream of. Look at the business opportunities created by putting a man on the moon. I have 200-some companies in Maryland alone which are there only because of technology breakthroughs in putting a man on the moon.

That same thing could happen if we had a Manhattan type project focusing on renewables, potential worldwide markets, if we are the leader, and we have every reason to be the leader because we have the biggest problem. We can develop worldwide markets, domestic job creation and environmentally benign technologies with potential to reduce and/or eliminate pollution. We could be a real role model.

We are, as I mentioned, less than 5 percent of the world's population, and we use 25 percent of the world's energy. I was in Europe a month or so ago, and their comment was somewhere between anger and disdain. "You are still only paying \$2 a gallon for gasoline in your country." It is \$5.50 or \$6.00 a gallon there. And they are not unmindful that this one person in 22 in the world is using 25 percent of the world's energy. We have a real opportunity to be a role model.

Let me put up the last chart. This is potential alternative solutions. For what time we have remaining, let me ask my colleague, the gentleman from Maryland (Mr. GILCHREST) to join us as we talk about this.

I have only have some of the potential solutions here. I just want to go down this list and look at these. There may be some others. The gentleman mentioned hydrogen from the ocean. That is certainly one.

There are some finite resources here, ones we have not maximally exploited here, and some renewable resources here, and we want to spend another whole hour talking about this, because there are a lot of things to talk about in these resources. But almost none of these have the density of energy that we find in fossil fuels.

There are tar sands in Canada, there is oil shale in this country, but it takes an awful lot of energy to get energy out of those. You may not have much more than a one-and-a-half to one. I have heard it takes six barrels of oil to get one net barrel of oil out of these tar sands and oil shale. There is an awful lot there, but there are considerable environmental costs and enormous economic costs to develop it.

Mr. GILCHREST. If the gentleman will yield, another analogy I heard re-

cently about the efforts to bring out ever-increasing and diminishing oil reserves and how that simply is not going to work for sustaining our energy needs, this particular physicist gave an analogy that compared the oil to a lion in Africa taking the energy of catching two gazelles to catch one gazelle. How long would that lion last? It takes the energy of catching two gazelles to only catch one, but he needs it to sustain himself, and that simply is not going to work.

I want to compliment the gentleman from Maryland, and I would like to be a part of the extra hour that we will do maybe this week to show what the alternatives are, simply because our energy requirements are increasing, they are not decreasing, and they will continue to increase.

Political parties are not going to let the grid go cold, but what do we do when we rely on oil and natural gas as the predominant energy source for this country? We have to simply find alternatives.

If I could just say briefly, there are two problems with our dependence on oil, and the gentleman has laid those out exceptionally well tonight. Part of the first problem is trade deficits and national security because of our oil dependence. When the price goes up, because we do not have most of the reserves, when oil peaks, we have no control over that. There will never be a decrease in demand. There will always be an increase in demand, no matter what happens, and our energy hunger is gargantuan.

The other problem with our oil dependence is that we are burning fossil fuel. We are returning to the atmosphere carbon that has not been there in this amount for millions of years, and what we are burning in decades it took the natural processes millions of years to lock away.

One other comment about letting the market forces deal with this fairly eminent problem. The global marketplace deals with the CEOs that are rightly so in the business to make a quick profit. The international marketplace is when nations get together, discuss an issue and they find mutual benefit to these vast problems. Vast solutions are available through what the gentleman has described so well tonight.

Mr. BARTLETT of Maryland. Mr. Speaker, reclaiming my time, of course the real challenge is to have everybody agree on what the facts are. I suspect a big percentage of the people that might read or listen to what we say this evening had not even heard of peak oil.

We really had about 30 years warning that this was going to happen. When M. King Hubbert predicted oil would peak in this country in 1970 and it did, and 5 years later, certainly by 10 years later we knew absolutely he was right, because we were well down on the curve 10 years later, we should have had some hint that he probably was right, he and Colin Campbell were probably right about world production? We paid no attention to that.

As a matter of fact, the people that were talking about this until very recently have been quickly relegated to the lunatic fringe. If I had been up here 3 or 4 years ago talking about this, someone may want to relegate the two of us this evening to the lunatic fringe.

But I think the evidence is out there. I think the evidence is out there, and the marketplace is saying that it is out there, because oil is now at \$54 or \$55 a barrel, they are saying we are going to see \$60 before we see \$50. I saw one future that was \$100 a barrel.

By the way, at \$100 or \$200 a barrel, tar sands and oil shale become somewhat competitive, but with enormous costs. They will be positive, we will get a little more out than we put in, but not the kind of energy we are now using.

Coal, we have a lot of coal. China has a lot of coal. We now use coal primarily in this country for producing electricity. It is very dirty. Our environmental requirements now, there has not been a new coal plant in a long while, it is all natural gas. It is a real pity. Oil and natural gas are, in a very real sense, too good to burn. They are the feedstock for an enormous petrochemical industry. I mentioned only the fertilizer that grows our crops and the pesticides we make from oil. We live in a plastic world, and all of that plastic is made from oil.

Now, it is true that you can also use biomass and so forth to do some of that, but let us remember that we are just on the verge of not being able to feed the world. Tonight about one-fifth of the world will go to bed hungry. We are not going to bed hungry in this country, not by a long shot, and we are living very high on the food chain. The time will come when you will not be able to eat the pig that ate the corn, because there is at least 10 times as much energy in the corn that the pig ate as you are going to get out of the pig by eating him. So we can certainly do a lot of by living lower on the food chain.

Mr. GILCHREST. If the gentleman would yield for a second, first of all, I want to compliment the gentleman on this fascinating factual presentation which leads me to what I want to say.

The gentleman said something earlier about finding solutions to the problem is going to be similar to the Manhattan Project or similar to placing a man on the moon within a decade when President Kennedy made that statement, and it is that kind of leadership from this Congress, from the administration, to incentivize, to create the kind of inspiration from the general public, to put these forces together to make it all work.

Mr. BARTLETT of Maryland. Mr. Speaker, reclaiming my time, but now we must do it on a global basis, because of Jevons Paradox, if all the world does not cooperate, we will not get there. Had we

paid attention to M. King Hubbert and not relegated him to the lunatic fringe, and he was right as evidence indicates on his prediction from 1970, had we paid attention to him we would have had at least 20 years headstart, and then we could have done it alone in this country because we are so big and use so much of the world's energy.

Before we leave coal, we are going to come back to this and spend another hour with a lot of detail on this, but someone said there are 500 years of coal, that is not true there is maybe 250, at present use rates. But as oil becomes harder and harder to find, we are going to turn more and more to coal, and that 70 years with enormous environmental penalty will shortly become a relatively few years. That is not forever. But we will be leaning on coal more than in the past nuclear.

Three ways we can get nuclear energy. For one of them we are home free, and that is fusion. We send a little less than \$300 million a year on that. I would like to spend more if there was the infrastructure out there to support it, because if we get there, we are home free.

But I kind of think that hoping to solve our energy problems with fusion is a bit like you or me hoping to solve our personal financial problems by winning the lottery. That would be real nice. I think the odds are somewhere near the same. I am about as likely to win the lottery as we are to come to economically feasible fusion.

I hope I am wrong. Frequently my hopes and my anticipations are different. My anticipation is we are not going to get there because of the enormous engineering challenges. My hope is I am wrong and we are going to get there.

Two other ways to get energy from nuclear. One is the light water reactor, which is all we have in this country. By the way, tonight when you go home, every fifth home and every fifth business would be dark if we did not have nuclear. It produces 20 percent of all of our electricity. But there is not all that much fissionable uranium in the world, so we are not going to get there with light water reactors.

France produces about 80 percent of its electricity from nuclear. They have a lot of breeder reactors. They do what the name implies, they make more fuel than they use, with big problems, in enrichment, shipping it around, squirreling away the products for a quarter of a million years. That presents enormous challenges to us.

So there is the potential here in nuclear, but a lot of problems involved with it. It is not just that simple. By the way, it takes a lot of oil to build a nuclear power plant.

□ 2045

At some point, you pass the point of no return where there is not enough readily available high-quality fossil fuels to support our present economy while we make the investment we have

got to make to transition to these renewables. And then we come to true renewables: solar, wind, geothermal, ocean energy. All of these suffer.

By the way, I am a big supporter of these. I had the first hybrid electric car in Maryland. I had the first one in the Congress. I have a vacation home that is off the grid and totally powered by solar. And I am going to put in a wind machine. I am a big supporter of this.

But the energy density here is very low. And it is intermittent. It takes a lot of solar panels to produce the electricity that you use in your home. It takes 12 of them to power your ordinary refrigerator just as an example. So those are real potential, and they are growing. Wind machines now produce electricity at 3½ cents a kilowatt hour. That is getting competitive. A whole lot of them in California. They are in West Virginia. We are putting some up on Backbone Mountain in western Maryland.

Boy, if we could get down there to geothermal we would have it, would we not?

There is not a single chimney in Iceland because they do not need them. They have got geothermal. They have a little bit of it in the West. But for most of the world that molten core is far too deep for us to tap.

Mr. GILCREST. If the gentleman would yield just for a second, I am sure he knows, but the general public, I do not think realizes it is not necessary to be sitting right on top of a volcanic area, an earthquake zone to get geothermal energy. We on the Eastern Shore of Maryland have a number of schools that are actually providing heat for those schools from geothermal energy. Some of these things are sort of a hidden secret. But it is the classical conventional wisdom that keeps us from exploring some of these things a little bit further. And I think the gentleman is bringing those out tonight.

Mr. BARTLETT of Maryland. Is this tying the school to the molten core, or is it simply using a heat pump and exchanging, not with the air? What you are trying to do in the winter-time is cool the air and what you are trying to do in the summer time is heat the air.

Mr. GILCREST. It is actually bringing water up from the surface, from the subsurface. The water is much warmer further down.

Mr. BARTLETT of Maryland. It is indeed. But you still have to have energy to use that. You are much more efficient using a heat pump that is tied to the ground, to groundwater than it is to the cold air in the winter and the hot air in the summer. If you are thinking about what you are trying to do is to cool the cold air in the winter time and to heat the hot air in the summertime. And obviously ground water is very much better in both seasons than either the air in the winter or the cold, the hot air in the summer or the cold air in the winter.

Ocean energy. You know, it takes an enormous amount of energy to lift the

ocean 2 feet. That is roughly what the Moon does in the tides, is it not? But the problem with that is energy density.

There is an old adage that says what is everybody's business is nobody's business. And the corollary to that in energy is if it is too widely distributed, you probably cannot make much of it. And we have really tried to harness the tides. In some fjords in Norway where they have 60-foot tides you put a bar there, when it runs in you trap it and then you run it out through a turbine. When it is running out, you can get some energy from it. And there is potential there, a lot of potential energy. But you know it is very dispersed. We have a hard time capturing that energy.

I suspect that our hour is about up, and this is maybe a good place to end. We are going to come back and spend another hour looking at agriculture, enormous opportunities from agriculture. But let me remind the gentleman that we are just barely able to feed the world now. And if we start taking all of this biomass off the field, what is going to happen to the tilth of our soil, to the organic matter in our soil, which is essential to the availability of nutrients in the soil by the plant. So there are lots of challenges here. There are lots of opportunities here. And we will spend another hour talking about them. Thank you very much. And I yield back, Mr. Speaker.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested.

S. 256. An act to amend title 11 of the United States Code, and for other purposes.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1268, EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND TSUNAMI RELIEF, 2005

Mr. COLE of Oklahoma (during the Special Order of Mr. BARTLETT of Maryland), from the Committee on Rules, submitted a privileged report (Rept. No. 109-18) on the resolution (H. Res. 151) providing for consideration of the bill (H.R. 1268) making emergency supplemental appropriations for the fiscal year ending September 30, 2005, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Ms. PELOSI) for today.

Mr. BOSWELL (at the request of Ms. PELOSI) for today on account of official business in the district.

Mr. CAPUANO (at the request of Ms. PELOSI) for today on account of business in the district.

Ms. KILPATRICK of Michigan (at the request of Ms. PELOSI) for today on account of district business.

Mrs. BLACKBURN (at the request of Mr. DELAY) for today on account of attending the funeral of her mother-in-law.

Mrs. EMERSON (at the request of Mr. DELAY) for today on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. OSBORNE, for 5 minutes, today.

Mrs. WILSON of New Mexico, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, March 15, 16, and 17.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. GILCHREST, for 5 minutes, today.

ADJOURNMENT

Mr. GILCHREST. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 50 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, March 15, 2005, at 9 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1139. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tennessee River Mile Marker 647.5 to Mile Marker 648.5, Knoxville, TN [COTP Paducah-04-012] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1140. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River Mile Marker 33.0 to Mile

Marker 35.0, Willard, IL [COTP Paducah-04-013] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1141. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tennessee River Mile Marker 446.0 to Mile Marker 455.0, Chattanooga, TN [COTP Paducah-04-014] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1142. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tennessee River Mile Marker 446.0 to Mile Marker 455.0, Chattanooga, TN [COTP Paducah-04-015] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1143. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tennessee River Mile Marker 65.0 to Mile Marker 66.3, Paris Landing, TN [COTP Paducah-04-016] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1144. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tennessee River Mile Marker 446.0 to Mile Marker 455.0, Chattanooga, TN [COTP Paducah-04-017] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1145. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Allegheny River Mile Marker 0.3 to Mile Marker 0.7, Pittsburgh, PA [COTP Pittsburgh-04-007] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1146. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulation; Tampa Bay, FL. [COTP Tampa 04-135] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1147. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulations; Tampa Bay, FL. [COTP Tampa 04-137] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1148. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulation; Tampa Bay, FL. [COTP TAMPA 04-147] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1149. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Allegheny River Mile Marker 0.3 to Mile Marker 0.7, Pittsburgh, PA [COTP Pittsburgh-04-008]

(RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1150. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile Marker 42.9 to Mile Marker 43.3, Chester, WV [COTP Pittsburgh-04-009] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1151. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Allegheny and Ohio Rivers, Pittsburgh, PA [COTP Pittsburgh-04-011] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1152. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Allegheny River Mile Marker 0.0 to Mile Marker 0.9, Pittsburgh, PA [COTP Pittsburgh-04-012] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1153. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Allegheny River Mile Marker 0.3 to Mile Marker 0.7, Pittsburgh, PA [COTP Pittsburgh-04-013] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1154. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile Marker 25.0 to Mile Marker 26.0, Rochester, PA [COTP Pittsburgh-04-016] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1155. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile Marker 90.2 to Mile Marker 90.6, Wheeling, WV [COTP Pittsburgh-04-017] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1156. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile Marker 90.0 to Mile Marker 90.5, Wheeling, WV [COTP Pittsburgh-04-018] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1157. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Allegheny River Mile Marker 0.3 to Mile Marker 0.8, Pittsburgh, PA [COTP Pittsburgh-04-019] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1158. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile Marker 0.1 to Mile Marker 0.5, Pittsburgh, PA [COTP Pittsburgh-04-024] (RIN: 1625-AA00) received February 10, 2005,

pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on March 10, 2005 the following report was filed on March 11, 2005]

Mr. LEWIS of California: Committee on Appropriations. H.R. 1268. A bill making emergency supplemental appropriations for the fiscal year ending September 30, 2005, and for other purposes (Rept. 109-16). Referred to the Committee of the Whole House on the State of the Union.

Mr. NUSSLE: Committee on the Budget. House Concurrent Resolution 95. Resolution establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010. (Rept. 109-17). Referred to the Committee of the Whole House on the State of the Union.

[Filed on March 14, 2004]

Mr. COLE: Committee on Rules. House Resolution 151. Resolution providing for consideration of the bill (H.R. 1268) making emergency supplemental appropriations for the fiscal year ending September 30, 2005, and for other purposes (Rept. 109-18). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CONYERS:

H.R. 1269. A bill to amend the Toxic Substances Control Act, the Internal Revenue Code of 1986, and the Public Buildings Act of 1959 to protect human health from toxic mold, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Financial Services, Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMAS:

H.R. 1270. A bill to amend the Internal Revenue Code of 1986 to extend the Leaking Underground Storage Tank Trust Fund financing rate; to the Committee on Ways and Means.

By Mr. TOM DAVIS of Virginia:

H.R. 1271. A bill to repeal a provision relating to privacy officers in the Consolidated Appropriations Act, 2005; to the Committee on Government Reform.

By Mr. WELLER (for himself, Mr. RANGEL, and Mr. ENGLISH of Pennsylvania):

H.R. 1272. A bill to amend the Internal Revenue Code of 1986 to modify the work opportunity credit and the welfare-to-work credit; to the Committee on Ways and Means.

By Mr. KIND (for himself and Mr. KIRK):

H.R. 1273. A bill to require any amounts remaining in a Member's Representational Allowance at the end of a fiscal year to be deposited in the Treasury and used for deficit reduction or to reduce the Federal debt; to the Committee on House Administration.

By Mr. BAIRD:

H.R. 1274. A bill to suspend temporarily the duty on amyl-anthraquinone; to the Committee on Ways and Means.

By Ms. BALDWIN (for herself, Mr. VAN HOLLEN, Ms. WOOLSEY, and Mr. SNYDER):

H.R. 1275. A bill to amend the Internal Revenue Code of 1986 to increase the amount which may be excluded from the gross income of an employee for dependent care assistance with respect to dependent care services provided during a taxable year, to adjust such amount each year by the rate of inflation for such year, and for other purposes; to the Committee on Ways and Means.

By Ms. BERKLEY (for herself and Mr. VISCLOSKEY):

H.R. 1276. A bill to amend title 5, United States Code, to make creditable for civil service retirement purposes certain periods of service performed with Air America, Incorporated, Air Asia Company Limited, or the Pacific Division of Southern Air Transport, Incorporated, while those entities were owned or controlled by the Government of the United States and operated or managed by the Central Intelligence Agency; to the Committee on Government Reform.

By Mr. EMANUEL (for himself, Mr. GEORGE MILLER of California, Mr. RYAN of Ohio, Mr. BISHOP of New York, Mr. TIERNEY, Mr. LYNCH, Mr. HOLT, Mr. CUMMINGS, Mr. DELAHUNT, Mr. BROWN of Ohio, Ms. SOLIS, Mr. GRIJALVA, Mr. MCDERMOTT, Mr. HINCHAY, Ms. WATSON, Mr. FILNER, Mr. OWENS, Mr. COSTELLO, Mr. MCGOVERN, Mr. McNULTY, Mr. SKELTON, Mr. JEFFERSON, Mr. SCOTT of Georgia, Mr. HINOJOSA, Mr. PAYNE, Mr. DEFazio, Mr. ETHERIDGE, Mr. ISRAEL, Mr. PALLONE, Ms. SLAUGHTER, Mr. NEAL of Massachusetts, Mr. SANDERS, Ms. LINDA T. SANCHEZ of California, and Mr. FORD):

H.R. 1277. A bill to expand college opportunities by significantly simplifying the Federal student aid application process; to the Committee on Education and the Workforce.

By Mr. EMANUEL (for himself, Mr. DELAHUNT, Mr. WATT, and Mr. CONYERS):

H.R. 1278. A bill to amend title 11 of the United States Code to limit the exemption for asset protection trusts; to the Committee on the Judiciary.

By Mr. FORBES (for himself, Mr. WOLF, Mr. GOODLATTE, Mr. GOODE, Mrs. JO ANN DAVIS of Virginia, Mrs. DRAKE, Mr. TOM DAVIS of Virginia, and Mr. ALEXANDER):

H.R. 1279. A bill to amend title 18, United States Code, to reduce violent gang crime and protect law-abiding citizens and communities from violent criminals, and for other purposes; to the Committee on the Judiciary.

By Mr. GENE GREEN of Texas (for himself and Mr. GONZALEZ):

H.R. 1280. A bill to amend part C of title XVIII of the Social Security Act to prohibit the operation of the Medicare Comparative Cost Adjustment (CCA) program in Texas; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of New York (for himself and Mrs. CHRISTENSEN):

H.R. 1281. A bill to amend the Trade Act of 1974 to extend trade adjustment assistance to certain service workers; to the Committee on Ways and Means.

By Mrs. MCCARTHY (for herself and Ms. PRYCE of Ohio):

H.R. 1282. A bill to provide for Project GRAD programs, and for other purposes; to the Committee on Education and the Workforce.

By Mr. MORAN of Virginia (for himself, Mr. VAN HOLLEN, Ms. NORTON, Mr. BLUMENAUER, Mr. WOLF, Mr. WYNN, and Mr. HOYER):

H.R. 1283. A bill to provide that transit pass transportation fringe benefits be made available to all qualified Federal employees in the National Capital Region; to allow passenger carriers which are owned or leased by the Government to be used to transport Government employees between their place of employment and mass transit facilities, and for other purposes; to the Committee on Government Reform.

By Mr. RENZI:

H.R. 1284. A bill to authorize the placement of an equestrian statue depicting frontiersman, explorer, and missionary Jacob Hamblin on the grounds of the Forest Service Kaibab Plateau Visitor Center in Jacob Lake, Arizona, and for other purposes; to the Committee on Resources.

By Mr. RUSH:

H.R. 1285. A bill to amend the Nursing Relief for Disadvantaged Areas Act of 1999 to remove the limitation for nonimmigrant classification for nurses in health professional shortage areas; to the Committee on the Judiciary.

By Mr. SHADEGG:

H.R. 1286. A bill to amend title XI of the Social Security Act to include additional information in Social Security account statements; to the Committee on Ways and Means.

By Mr. SHIMKUS:

H.R. 1287. A bill to designate the facility of the United States Postal Service located at 332 South Main Street in Flora, Illinois, as the "Robert T. Ferguson Post Office Building"; to the Committee on Government Reform.

By Mr. SOUDER (for himself, Mr. ROSS, Mr. WICKER, Mr. KING of Iowa, Mr. GINGREY, Mr. SESSIONS, Mr. DINGELL, Mr. KENNEDY of Minnesota, Mr. SHUSTER, Mr. WILSON of South Carolina, Mr. KLINE, Mr. SALAZAR, Mr. BEAUPREZ, Mr. BOOZMAN, Mr. GRAVES, Mr. CRAMER, Mr. AKIN, Mr. MATHESON, Mr. DENT, Mr. WESTMORELAND, Mr. BUYER, and Mr. HOSTETTLER):

H.R. 1288. A bill to restore Second Amendment rights in the District of Columbia; to the Committee on Government Reform.

By Mr. SPRATT (for himself, Mr. BARRETT of South Carolina, Mr. BROWN of South Carolina, Mr. CLYBURN, Mr. INGLIS of South Carolina, and Mr. WILSON of South Carolina):

H.R. 1289. A bill to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Southern Campaign of the Revolution Heritage Area in South Carolina, and for other purposes; to the Committee on Resources.

By Mrs. WILSON of New Mexico (for herself, Mr. TOWNS, Mr. ABERCROMBIE, Mr. MEEKS of New York, Mr. DOGGETT, Mr. McNULTY, Mr. PAYNE, Mr. MCGOVERN, Ms. ROULETTINE, Mr. OWENS, and Mr. BERMAN):

H.R. 1290. A bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish, promote, and support a comprehensive prevention, research, and medical management referral program for hepatitis C virus infection; to the Committee on Energy and Commerce.

By Mr. RUPPERSBERGER (for himself, Mr. TOM DAVIS of Virginia, Mr.

JONES of North Carolina, and Mr. HOYER):

H. Res. 152: A resolution expressing support for the members of the uniformed services and their families, particularly those wounded or severely injured in service to the Nation, and support for the newly established Military Severely Injured Joint Support Operations Center in the Office of the Secretary of Defense; to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Mr. LINDER, Mr. CUELLAR, Mr. BUTTERFIELD, Mr. WALSH, Mr. CARTER, Mr. BONNER, Mr. PETERSON of Pennsylvania, Mr. HEFLEY, Mr. KINGSTON, Mr. WELDON of Florida, Mr. HOSTETTLER, Mr. BROWN of South Carolina, Mr. NEUGEBAUER, and Mr. GINGREY.
H.R. 21: Mr. LEWIS of Kentucky and Mr. BERMAN.

H.R. 47: Mr. HOSTETTLER.

H.R. 64: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 68: Mr. DOGGETT.

H.R. 136: Mrs. MYRICK, Mr. BLUNT, Mr. SESSIONS, and Mr. GOODE.

H.R. 216: Mr. KING of Iowa and Mr. LINCOLN DIAZ BALART of Florida.

H.R. 223: Mr. GREEN of Wisconsin.

H.R. 226: Mr. KENNEDY of Rhode Island.

H.R. 282: Mrs. MCCARTHY, Mr. BOOZMAN, Mr. CARDOZA, Mr. EDWARDS, Mr. COSTA, Mr. FERGUSON, and Mr. JINDAL.

H.R. 303: Mr. COSTELLO, Mr. HONDA, Mr. FARR, Mr. ALLEN, Mr. PALLONE, Ms. WASSERMAN SCHULTZ, and Mr. GARRETT of New Jersey.

H.R. 304: Mr. WILSON of South Carolina, Ms. WASSERMAN SCHULTZ, and Mr. GORDON.

H.R. 354: Mr. ANDREWS and Mr. JONES of North Carolina.

H.R. 389: Mr. PRICE of Georgia.

H.R. 421: Mr. PASTOR.

H.R. 426: Mr. WALSH.

H.R. 515: Ms. MCKINNEY, Mr. LOBIONDO, Mr. PAUL, Ms. LINDA T. SANCHEZ of California, Mr. ANDREWS, and Mr. HASTINGS of Florida.

H.R. 525: Mr. HALL, Mr. FORBES, Mr. FOSSELLA, and Mr. WELDON of Florida.

H.R. 534: Mr. CALVERT.

H.R. 551: Ms. SOLIS, Ms. WOOLSEY, Ms. MCKINNEY, and Ms. SCHAKOWSKY.

H.R. 556: Ms. MCCOLLUM of Minnesota, Ms. KILPATRICK of Michigan, Mrs. CHRISTENSEN, and Mr. REHBERG.

H.R. 559: Ms. SCHAKOWSKY.

H.R. 583: Mr. PASTOR, Mr. UDALL of Colorado, Mr. FERGUSON, Mr. SOUDER, Mr. HAYWORTH, Mr. CUNNINGHAM, and Mr. CASE.

H.R. 602: Ms. SCHAKOWSKY, Mr. WOLF, and Mr. SMITH of Washington.

H.R. 609: Mr. FORTUÑO.

H.R. 625: Mr. PAYNE and Mr. TIERNEY.

H.R. 626: Mr. HULSHOF.

H.R. 658: Mr. SOUDER and Mr. WOLF.

H.R. 682: Mr. CASE.

H.R. 689: Mr. BRADLEY of New Hampshire, Mr. RYUN of Kansas, Mr. STEARNS, Mr. WELLER, and Mr. KENNEDY of Minnesota.

H.R. 691: Ms. SLAUGHTER.

H.R. 692: Mr. BOOZMAN and Mr. FILNER.

H.R. 693: Mr. BRADY of Pennsylvania, Mr. BOUCHER, and Mr. BISHOP of Georgia.

H.R. 759: Mr. ANDREWS, Mr. LEWIS of Georgia, Mr. STARK, Mr. SANDERS, and Mr. CUMMINGS.

H.R. 768: Mr. LEWIS of Georgia, Mr. SHERMAN, and Mr. CROWLEY.

H.R. 783: Mr. GIBBONS.

H.R. 785: Mr. PUTNAM.

H.R. 790: Mr. BAIRD and Mr. OWENS.

H.R. 793: Mr. RUPPERSBERGER and Mr. ALXANDER.

H.R. 800: Mr. PUTNAM, Mrs. BONO, Mr. ROYCE, Mr. BOREN, and Mrs. MYRICK.

H.R. 808: Mr. MCINTYRE, Mrs. DAVIS of California, Mr. NORWOOD, Mr. WICKER, Mr. GOODE, Mr. CUMMINGS, Mr. PLATTS, Mrs. CAPITO, Mr. DEFazio, Mr. FORD, Mr. PALLONE, Mr. GALLEGLY and Ms. HARRIS.

H.R. 869: Mr. GORDON and Mr. DANIEL E. LUNGREN of California.

H.R. 871: Ms. MCCOLLUM of Minnesota.

H.R. 877: Mr. PALLONE.

H.R. 888: Mr. KING of Iowa.

H.R. 893: Ms. ZOE LOFGREN of California and Mr. LEWIS of Georgia.

H.R. 896: Mr. EHLERS.

H.R. 918: Mr. MCHENRY, Mr. CULBERSON, and Mr. BARRETT of South Carolina.

H.R. 920: Mr. WALSH.

H.R. 940: Mr. KLINE.

H.R. 944: Mr. SCOTT of Virginia, Mr. TANNER, and Mr. CHANDLER.

H.R. 945: Mr. LANTOS, Ms. JACKSON-LEE of Texas, and Ms. SCHAKOWSKY.

H.R. 946: Ms. JACKSON-LEE of Texas and Ms. SCHAKOWSKY.

H.R. 952: Mr. FARR, Ms. DELAURO, Mr. MCNULTY, and Mr. CAPUANO.

H.R. 968: Mr. WEXLER.

H.R. 976: Mr. CANNON.

H.R. 985: Mr. PORTMAN, Ms. HART, Mr. SMITH of New Jersey, Mr. WILSON of South Carolina, Mr. FALCOMA, Mr. GRIJALVA, Mr. HIGGINS, Mr. CHANDLER, Mr. MARCHANT, Mr. KANJORSKI, Mr. BEAUPREZ, Mr. MCNULTY, Mr. KOLBE, Mr. BERRY, Mr. WU, Mr. KILDEE, Mr. ETHERIDGE, Mr. CAPUANO, Mr. WELDON of Pennsylvania, Mr. ORTIZ, Mr. LANGEVIN, Mr. BLUMENAUER, and Mr. DEFazio.

H.R. 986: Mr. WEXLER.

H.R. 994: Mr. BOYD, Mr. SULLIVAN, Mr. NORWOOD, Mr. FARR, Mr. YOUNG of Florida, Mr. BOSWELL, Mr. PAUL, Mr. GENE GREEN of Texas, Mr. DICKS, Mr. LYNCH, Ms. HARRIS, Mr. OBERSTAR, Mr. SMITH of Washington, Mr. SAXTON, Mr. BRADY of Pennsylvania, Mr. SCOTT of Georgia, Mr. MCINTYRE, Mr. LOBIONDO, Mr. REYES, Mr. ROTHMAN, Mr. HASTINGS of Florida, Mr. DOOLITTLE, and Mr. BURTON of Indiana.

H.R. 1001: Mr. HALL, Mr. SMITH of Texas, and Ms. JACKSON-LEE of Texas.

H.R. 1002: Ms. BALDWIN and Ms. CARSON.

H.R. 1010: Mr. EMANUEL.

H.R. 1011: Mr. AL GREEN of Texas.

H.R. 1057: Mr. FOSSELLA.

H.R. 1078: Mr. PALLONE.

H.R. 1079: Mr. TAYLOR of Mississippi.

H.R. 1092: Mrs. MYRICK.

H.R. 1100: Mrs. MILLER of Michigan and Mr. OTTER.

H.R. 1104: Ms. DELAURO.

H.R. 1105: Mrs. CAPITO.

H.R. 1136: Mr. SHAYS and Mrs. MCCARTHY.

H.R. 1142: Mr. AKIN.

H.R. 1151: Mr. ROGERS of Kentucky, Mr. CRAMER, Mr. MCCAUL of Texas, Mr. NUSSLE, Mr. LUCAS, Mr. KINGSTON, Mr. FERGUSON, Mr. MELANCON, Mrs. MILLER of Michigan, Mr. SESSIONS, Mr. SAXTON, Mr. GIBBONS, and Mr. KILDEE.

H.R. 1155: Ms. SCHAKOWSKY and Ms. ROYBAL-ALLARD.

H.R. 1184: Ms. WOOLSEY, Mr. BUTTERFIELD, Mr. MCNULTY, Mr. LEWIS of Georgia, and Mr. ANDREWS.

H.R. 1214: Mr. OLVER, Mr. HOLT, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. CARSON, Ms. WASSERMAN SCHULTZ, and Mr. KUCINICH.

H.R. 1226: Mrs. MCCARTHY and Mr. SESSIONS.

H.R. 1227: Mrs. EMERSON, Mr. PALLONE, Mr. HOLT, Mr. CASE, Mr. CHANDLER, Mr. BROWN of Ohio, and Mr. BASS.

H.R. 1243: Mr. MILLER of Florida and Mr. HERGER.

H.R. 1245: Ms. HART, Ms. BEAN, Mr. BROWN of South Carolina, Mr. JENKINS, Mr. WYNN, Mr. KNOLLENBERG, Mr. KENNEDY of Rhode Island, and Ms. MCCOLLUM of Minnesota.

H.R. 1249: Mr. CARNAHAN, Mr. BISHOP of Georgia, Mr. SMITH of Washington, Ms. BERKLEY, Mr. MCGOVERN, Mr. ROSS, Mr. DINGELL, Mr. LEVIN, Ms. MILLENDER-MCDONALD, Mr. STRICKLAND, Mr. FORD, and Mr. LIPINSKI.
H.R. 1263: Mr. BOUCHER.

H.J. Res. 23: Mrs. WILSON of New Mexico, Mr. COSTA, Mr. Brown of Ohio, and Mr. DEFazio.

H. Con. Res. 85: Mr. MCCAUL of Texas.

H. Con. Res. 88: Mr. KUCINICH.

H. Res. 20: Mr. CONAWAY, Ms. FOX, Mr. GOODLATTE, Mr. GORDON, and Mrs. MILLER of Michigan.

H. Res. 84: Mrs. MUSGRAVE and Mrs. JOHNSON of Connecticut.

H. Res. 90: Mr. KUCINICH, Mr. BUTTERFIELD, and Ms. SCHAKOWSKY.

H. Res. 101: Mr. OWENS, Mr. GORDON, Mr. BLUNT, and Mr. ROTHMAN.

H. Res. 116: Mr. ROTHMAN and Mr. SKELTON.

H. Res. 120: Ms. SCHAKOWSKY, Mr. BUTTERFIELD, Mr. KILDEE, and Mr. NEUGEBAUER.

H. Res. 123: Ms. ESHOO.

H. Res. 131: Mr. BARROW, Mrs. CHRISTENSEN, Ms. LINDA T. SANCHEZ of California, Mr. BERRY, Mr. CRAMER, Mr. FATTAH, Mr. HOLDEN, Ms. JACKSON-LEE of Texas, Mr. SABO, Mr. VISCLOSKEY, Mr. ALLEN, Mr. MICHAUD, Mr. DAVIS of Tennessee, Ms. BALDWIN, Ms. BEAN, Mr. BOREN, Mr. BOYD, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mr. CARNAHAN, Ms. CARSON, Mr. CLAY, Mr. CLYBURN, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. DAVIS of Florida, Ms. DEGETTE, Mr. EDWARDS, Mr. EMANUEL, Ms. ESHOO, Mr. FILNER, Mr. FORD, Mr. GONZALEZ, Mr. GORDON, Mr. AL GREEN of Texas, Mr. GUTIERREZ, Mr. HIGGINS, Mr. HINOJOSA, Mr. ISRAEL, Mr. KUCINICH, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mr. LYNCH, Mr. MARKEY, Mr. MARSHALL, Mr. MATHESON, Ms. MCCOLLUM of Minnesota, Mr. MEEKS of New York, Mr. MELANCON, Ms. MILLENDER-MCDONALD, Ms. MOORE of Wisconsin, Mrs. NAPOLITANO, Mr. OWENS, Mr. PALLONE, Mr. PETERSON of Minnesota, Mr. RANGEL, Mr. REYES, Mr. ROSS, Mr. ROTHMAN, Mr. RUPPERSBERGER, Mr. RUSH, Mr. SALAZAR, Ms. LORETTA SANCHEZ of California, Ms. SCHWARTZ of Pennsylvania, Mr. SERRANO, Mr. SKELTON, Mr. SPRATT, Mr. STARK, Mr. STRICKLAND, Mr. THOMPSON of California, Mr. TIERNEY, Ms. VELAZQUEZ, Ms. WASSERMAN SCHULTZ, Ms. WATERS, Mr. WEINER, Mr. WEXLER, and Mr. WU.

H. Res. 135: Mr. BISHOP of Utah, Mr. BLUNT, Mr. SNYDER, Mr. THOMAS, and Mr. MCCOTTER.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1268

OFFERED BY: Mr. BLUMENAUER

AMENDMENT NO. 1: At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 7001. None of the funds appropriated in this Act shall be available for the torture of any person who is imprisoned, detained, or otherwise held in the custody of, a department, agency, or official of the United States Government, or any contractor of any such department or agency.

H.R. 1268

OFFERED BY: Mr. BLUMENAUER

AMENDMENT NO. 2: At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 7001. None of the funds appropriated in this Act shall be available for—

(1) the torture of any person who is imprisoned, detained, or otherwise held in the custody of, a department, agency, or official of the United States Government, or any contractor of any such department or agency; or

(2) the involuntary return of any person to a country in which there are substantial grounds for believing the person would be in danger of being subjected to torture, regardless of whether the person is physically present in the United States, pursuant to section 1242 of the Foreign Affairs Reform and Restructuring Act of 1998.

H.R. 1268

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 3: Page 46, after line 20, insert the following:

IMMIGRATION AND CUSTOMS ENFORCEMENT
SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", hereby derived from the amount provided in this Act for "UNITED STATES COAST GUARD—OPERATING EXPENSES", \$40,000,000.

H.R. 1268

OFFERED BY: MR. LANTOS

AMENDMENT NO. 4: Add at the end (before the short title) the following new title:

TITLE VII—HOPE AT HOME ACT

SEC. 701. SHORT TITLE.

This title may be cited as the "Help Our Patriotic Employees at Helping Our Military Employees Act" or the "HOPE at HOME Act".

SEC. 702. NONREDUCTION IN PAY WHILE FEDERAL EMPLOYEE IS SERVING ON ACTIVE DUTY IN A RESERVE COMPONENT OF THE UNIFORMED SERVICES.

(a) IN GENERAL.—Subchapter IV of chapter 55 of title 5, United States Code, is amended by adding at the end the following new section:

"§ 5538. Nonreduction in pay while serving on active duty in a reserve component

"(a) An employee who is also a member of a reserve component and is absent from a position of employment with the Federal Government under a call or order to serve on active duty for a period of more than 30 days shall be entitled to receive, for each pay period described in subsection (b), an amount equal to the difference (if any) between—

"(1) the amount of civilian basic pay that would otherwise have been payable to the employee for such pay period if the employee's civilian employment with the Government had not been interrupted by the service on active duty; and

"(2) the amount of military compensation that is payable to the employee for the service on active duty and is allocable to such pay period.

"(b)(1) Amounts under this section shall be payable with respect to each pay period (which would otherwise apply if the employee's civilian employment had not been interrupted) that occurs—

"(A) while the employee serves on active duty for a period of more than 30 days;

"(B) while the employee is hospitalized for, or convalescing from, an illness or injury incurred in, or aggravated during, the performance of such active duty; or

"(C) during the 14-day period beginning at the end of such active duty or the end of the period referred to in subparagraph (B).

"(2) Paragraph (1) shall not apply with respect to a pay period for which the employee receives civilian basic pay (including by tak-

ing any annual, military, or other paid leave) to which the employee is entitled by virtue of the employee's civilian employment with the Government.

"(c) Any amount payable under this section to an employee shall be paid—

"(1) by the employing agency of the employee;

"(2) from the appropriations or fund that would be used to pay the employee if the employee were in a pay status; and

"(3) to the extent practicable, at the same time and in the same manner as would civilian basic pay if the employee's civilian employment had not been interrupted.

"(d) In consultation with Secretary of Defense, the Office of Personnel Management shall prescribe such regulations as may be necessary to carry out this section.

"(e) In consultation with the Office of Personnel Management, the head of each employing agency shall prescribe procedures to ensure that the rights under this section apply to the employees of such agency. In consultation with the Office of Personnel Management, the Administrator of the Federal Aviation Administration shall prescribe procedures to ensure that the rights under this section apply to the employees of that agency.

"(f) In this section:

"(1) The terms 'active duty for a period of more than 30 days', 'member', and 'reserve component' have the meanings given such terms in section 101 of title 37.

"(2) The term 'civilian basic pay', with respect to an employee, includes any amount payable under section 5304 of this title or under such other law providing for the compensation of the employee by the employing agency for work performed.

"(3) The term 'employing agency', as used with respect to an employee entitled to any payments under this section, means the agency with respect to which the employee has reemployment rights under chapter 43 of title 38. The term 'agency' has the meaning given such term in subparagraph (C) of section 2302(a)(2) of this title, except that the term includes Government corporations and agencies excluded by clause (i) or (ii) of such subparagraph.

"(4) The term 'military compensation' has the meaning given the term 'pay' in section 101(21) of title 37, except that the term includes allowances under chapter 7 of such title."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of title 5, is amended by inserting after the item relating to section 5537 the following new item:

"5538. Nonreduction in pay while serving on active duty in a reserve component."

(c) APPLICATION OF AMENDMENT.—Section 5538 of title 5, United States Code, as added by subsection (a), shall apply with respect to pay periods (as described in subsection (b) of such section) beginning on or after the date of the enactment of this Act.

SEC. 703. ACTIVE-DUTY RESERVE COMPONENT EMPLOYEE CREDIT ADDED TO GENERAL BUSINESS CREDIT.

(a) ADDITION OF CREDIT.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business-related credits) is amended by adding at the end the following new section:

"SEC. 45J. ACTIVE-DUTY RESERVE COMPONENT EMPLOYEE CREDIT.

"(a) GENERAL RULE.—For purposes of section 38, the Ready Reserve-National Guard employee credit determined under this section for any taxable year with respect to each Ready Reserve-National Guard employee of an employer is an amount equal to the lesser of—

"(1) 50 percent of the actual compensation amount paid with respect to such Ready Reserve-National Guard employee for such taxable year while the employee is absent from employment for a reason described in subsection (b); or

"(2) \$30,000.

"(b) COVERED PAY PERIODS.—Subsection (a) shall apply with respect to a Ready Reserve-National Guard employee—

"(1) while the employee serves on active duty for a period of more than 30 days;

"(2) while the employee is hospitalized for, or convalescing from, an illness or injury incurred in, or aggravated during, the performance of such active duty; or

"(3) during the 14-day period beginning at the end of such active duty or the end of the period referred to in subparagraph (B).

"(c) LIMITATION.—No credit shall be allowed under subsection (a) with respect to a Ready Reserve-National Guard employee on any day on which the employee was not scheduled to work (for a reason other than such service on active duty) and ordinarily would not have worked.

"(d) PORTION OF CREDIT REFUNDABLE.—

"(1) IN GENERAL.—In the case of an employer described in paragraph (2), the aggregate credits allowed to a taxpayer under subpart C shall be increased by the lesser of—

"(A) the credit which would be allowed under this section without regard to this subsection and the limitation under section 38(c), or

"(B) the amount by which the aggregate amount of credits allowed by this subpart (determined without regard to this subsection) would increase if the limitation imposed by section 38(c) for any taxable year were increased by the amount of employer payroll taxes imposed on the taxpayer during the calendar year in which the taxable year begins.

The amount of the credit allowed under this subsection shall not be treated as a credit allowed under this subpart and shall reduce the amount of the credit otherwise allowable under subsection (a) without regard to section 38(c).

"(2) EMPLOYER DESCRIBED.—An employer is described in this paragraph if the employer is—

"(A) an organization exempt from tax under this chapter,

"(B) any State or political subdivision thereof, the District of Columbia, any possession of the United States, or any agency or instrumentality of any of the foregoing, or

"(C) any Indian tribal government (within the meaning of section 7871) or any agency or instrumentality thereof.

"(3) EMPLOYER PAYROLL TAXES.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'employer payroll taxes' means the taxes imposed by—

"(i) section 3111(b), and

"(ii) sections 3211(a) and 3221(a) (determined at a rate equal to the rate under section 3111(b)).

"(B) SPECIAL RULE.—A rule similar to the rule of section 24(d)(2)(C) shall apply for purposes of subparagraph (A).

"(e) DEFINITIONS.—In this section—

"(1) The terms 'active duty for a period of more than 30 days', 'member', and 'reserve component' have the meanings given such terms in section 101 of title 37, United States Code.

"(2) The term 'compensation' means any remuneration for employment, whether in cash or in kind, which is paid or incurred by a taxpayer and which is deductible from the taxpayer's gross income under section 162(a)(1).

“(3) The term ‘Ready Reserve-National Guard employee’ with respect to an employer, means an employee of the employer who is also a member of a reserve component during a taxable year.”

(b) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38 of such Code (relating to general business credit) is amended by striking “plus” at the end of paragraph (18), by striking the period at the end of paragraph (19) and inserting “, plus”, and by adding at the end the following new paragraph:

“(20) the active-duty reserve component employee credit determined under section 45J(a).”.

(c) CONFORMING AMENDMENT.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting “or 45J” after “section 35”.

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 45I the following new item:

“Sec. 45J. Active-duty reserve component employee credit.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 704. DIFFERENTIAL WAGE PAYMENTS.

(a) INCOME TAX WITHHOLDING.—Section 3401 of the Internal Revenue Code of 1986 (relating to definitions) is amended by adding at the end the following new subsection:

“(i) DIFFERENTIAL WAGE PAYMENTS TO ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.—

“(1) IN GENERAL.—For purposes of subsection (a), any differential wage payment shall be treated as a payment of wages by the employer to the employee.

“(2) DIFFERENTIAL WAGE PAYMENT.—For purposes of paragraph (1), the term ‘differential wage payment’ means any payment which—

“(A) is made by an employer to an individual with respect to any period during which the individual is performing service in the uniformed services while on active duty for a period of more than 30 days, and

“(B) represents all or a portion of the wages the individual would have received from the employer if the individual were performing service for the employer.”.

(b) TREATMENT OF DIFFERENTIAL WAGE PAYMENTS FOR RETIREMENT PLAN PURPOSES.—

(1) PENSION PLANS.—

(A) IN GENERAL.—Section 414(u) of such Code (relating to special rules relating to veterans’ reemployment rights under USERRA) is amended by adding at the end the following new paragraph:

“(11) TREATMENT OF DIFFERENTIAL WAGE PAYMENTS.—

“(A) IN GENERAL.—Except as provided in this paragraph, for purposes of applying this title to a retirement plan to which this subsection applies—

“(i) an individual receiving a differential wage payment shall be treated as an employee of the employer making the payment,

“(ii) the differential wage payment shall be treated as compensation, and

“(iii) the plan shall not be treated as failing to meet the requirements of any provision described in paragraph (1)(C) by reason of any contribution which is based on the differential wage payment.

“(B) SPECIAL RULE FOR DISTRIBUTIONS.—

“(i) IN GENERAL.—Notwithstanding subparagraph (A)(i), for purposes of section 401(k)(2)(B)(i)(I), 403(b)(7)(A)(ii), 403(b)(11)(A), or 457(d)(1)(A)(ii), an individual shall be treated as having been severed from employment during any period the individual is per-

forming service in the uniformed services described in section 3401(i)(2)(A).

“(ii) LIMITATION.—If an individual elects to receive a distribution by reason of clause (i), the plan shall provide that the individual may not make an elective deferral or employee contribution during the 6-month period beginning on the date of the distribution.

“(C) NONDISCRIMINATION REQUIREMENT.—Subparagraph (A)(iii) shall apply only if all employees of an employer performing service in the uniformed services described in section 3401(i)(2)(A) are entitled to receive differential wage payments on reasonably equivalent terms and, if eligible to participate in a retirement plan maintained by the employer, to make contributions based on the payments. For purposes of applying this subparagraph, the provisions of paragraphs (3), (4), and (5), of section 410(b) shall apply.

“(D) DIFFERENTIAL WAGE PAYMENT.—For purposes of this paragraph, the term ‘differential wage payment’ has the meaning given such term by section 3401(i)(2).”.

(B) CONFORMING AMENDMENT.—The heading for section 414(u) of such Code is amended by inserting “AND TO DIFFERENTIAL WAGE PAYMENTS TO MEMBERS ON ACTIVE DUTY” after “USERRA”.

(2) DIFFERENTIAL WAGE PAYMENTS TREATED AS COMPENSATION FOR INDIVIDUAL RETIREMENT PLANS.—Section 219(f)(1) of such Code (defining compensation) is amended by adding at the end the following new sentence: “The term ‘compensation’ includes any differential wage payment (as defined in section 3401(i)(2)).”.

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendments made by subsection (a) shall apply to remuneration paid after December 31, 2004.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply to plan years beginning after December 31, 2004.

(d) PROVISIONS RELATING TO PLAN AMENDMENTS.—

(1) IN GENERAL.—If this subsection applies to any plan or annuity contract amendment—

(A) such plan or contract shall be treated as being operated in accordance with the terms of the plan or contract during the period described in paragraph (2)(B)(i), and

(B) except as provided by the Secretary of the Treasury, such plan shall not fail to meet the requirements of the Internal Revenue Code of 1986 or the Employee Retirement Income Security Act of 1974 by reason of such amendment.

(2) AMENDMENTS TO WHICH SECTION APPLIES.—

(A) IN GENERAL.—This subsection shall apply to any amendment to any plan or annuity contract which is made—

(i) pursuant to any amendment made by this section, and

(ii) on or before the last day of the first plan year beginning on or after January 1, 2007.

(B) CONDITIONS.—This subsection shall not apply to any plan or annuity contract amendment unless—

(i) during the period beginning on the date the amendment described in subparagraph (A)(i) takes effect and ending on the date described in subparagraph (A)(ii) (or, if earlier, the date the plan or contract amendment is adopted), the plan or contract is operated as if such plan or contract amendment were in effect; and

(ii) such plan or contract amendment applies retroactively for such period.

SEC. 705. CREDIT FOR INCOME DIFFERENTIAL FOR EMPLOYMENT OF ACTIVATED MILITARY RESERVIST AND REPLACEMENT PERSONNEL.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to foreign tax credit, etc.) is amended by adding at the end the following new section:

“SEC. 30B. EMPLOYER WAGE CREDIT FOR ACTIVATED MILITARY RESERVISTS.

“(a) GENERAL RULE.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

“(1) in the case of a small business employer, the employment credit with respect to all qualified employees and qualified replacement employees of the taxpayer, plus

“(2) the self-employment credit of a qualified self-employed taxpayer.

“(b) EMPLOYMENT CREDIT.—For purposes of this section—

“(1) QUALIFIED EMPLOYEES.—

“(A) IN GENERAL.—The employment credit with respect to a qualified employee of the taxpayer for any taxable year is equal to 50 percent of the lesser of—

“(i) the excess, if any, of—

“(I) the qualified employee’s average daily qualified compensation for the taxable year, over

“(II) the average daily military pay and allowances received by the qualified employee during the taxable year, while participating in qualified reserve component duty to the exclusion of the qualified employee’s normal employment duties for the number of days the qualified employee participates in qualified reserve component duty during the taxable year, including time spent in a travel status, or

“(ii) \$30,000.

The employment credit, with respect to all qualified employees, is equal to the sum of the employment credits for each qualified employee under this subsection.

“(B) AVERAGE DAILY QUALIFIED COMPENSATION AND AVERAGE DAILY MILITARY PAY AND ALLOWANCES.—As used with respect to a qualified employee—

“(i) the term ‘average daily qualified compensation’ means the qualified compensation of the qualified employee for the taxable year divided by the difference between—

“(I) 365, and

“(II) the number of days the qualified employee participates in qualified reserve component duty during the taxable year, including time spent in a travel status, and

“(ii) the term ‘average daily military pay and allowances’ means—

“(I) the amount paid to the qualified employee during the taxable year as military pay and allowances on account of the qualified employee’s participation in qualified reserve component duty, divided by

“(II) the total number of days the qualified employee participates in qualified reserve component duty, including time spent in travel status.

“(C) QUALIFIED COMPENSATION.—When used with respect to the compensation paid or that would have been paid to a qualified employee for any period during which the qualified employee participates in qualified reserve component duty, the term ‘qualified compensation’ means—

“(i) compensation which is normally contingent on the qualified employee’s presence for work and which would be deductible from the taxpayer’s gross income under section 162(a)(1) if the qualified employee were present and receiving such compensation,

“(ii) compensation which is not characterized by the taxpayer as vacation or holiday pay, or as sick leave or pay, or as any other

form of pay for a nonspecific leave of absence, and with respect to which the number of days the qualified employee participates in qualified reserve component duty does not result in any reduction in the amount of vacation time, sick leave, or other nonspecific leave previously credited to or earned by the qualified employee, and

“(iii) group health plan costs (if any) with respect to the qualified employee.

“(D) QUALIFIED EMPLOYEE.—The term ‘qualified employee’ means a person who—

“(i) has been an employee of the taxpayer for the 31-day period immediately preceding the period during which the employee participates in qualified reserve component duty, and

“(ii) is a member of the Ready Reserve of a reserve component of an Armed Force of the United States as defined in sections 10142 and 10101 of title 10, United States Code.

“(2) QUALIFIED REPLACEMENT EMPLOYEES.—

“(A) IN GENERAL.—The employment credit with respect to a qualified replacement employee of the taxpayer for any taxable year is equal to 50 percent of the lesser of—

“(i) the individual's qualified compensation attributable to service rendered as a qualified replacement employee, or

“(ii) \$12,000.

The employment credit, with respect to all qualified replacement employees, is equal to the sum of the employment credits for each qualified replacement employee under this subsection.

“(B) QUALIFIED COMPENSATION.—When used with respect to the compensation paid to a qualified replacement employee, the term ‘qualified compensation’ means—

“(i) compensation which is normally contingent on the qualified replacement employee's presence for work and which is deductible from the taxpayer's gross income under section 162(a)(1),

“(ii) compensation which is not characterized by the taxpayer as vacation or holiday pay, or as sick leave or pay, or as any other form of pay for a nonspecific leave of absence, and

“(iii) group health plan costs (if any) with respect to the qualified replacement employee.

“(C) QUALIFIED REPLACEMENT EMPLOYEE.—The term ‘qualified replacement employee’ means an individual who is hired to replace a qualified employee or a qualified self-employed taxpayer, but only with respect to the period during which such employee or taxpayer participates in qualified reserve component duty, including time spent in travel status.

“(D) FAILURE TO MAKE DIFFERENTIAL WAGE PAYMENTS.—The employment credit with respect to a qualified replacement employee of the taxpayer for any taxable year shall be zero if the taxpayer does not make all differential wage payments (as defined by section 3401(i)(2)) for the taxable year to the qualified employee or the qualified self-employed taxpayer (as the case may be) who is replaced by the qualified replacement employee.

“(c) SELF-EMPLOYMENT CREDIT.—For purposes of this section—

“(1) IN GENERAL.—The self-employment credit of a qualified self-employed taxpayer for any taxable year is equal to 50 percent of the lesser of—

“(A) the excess, if any, of—

“(i) the self-employed taxpayer's average daily self-employment income for the taxable year over

“(ii) the average daily military pay and allowances received by the taxpayer during the taxable year, while participating in qualified reserve component duty to the exclusion of the taxpayer's normal self-employment du-

ties for the number of days the taxpayer participates in qualified reserve component duty during the taxable year, including time spent in a travel status, or

“(B) \$30,000.

“(2) AVERAGE DAILY SELF-EMPLOYMENT INCOME AND AVERAGE DAILY MILITARY PAY AND ALLOWANCES.—As used with respect to a self-employed taxpayer—

“(A) the term ‘average daily self-employment income’ means the self-employment income (as defined in section 1402(b)) of the taxpayer for the taxable year plus the amount paid for insurance which constitutes medical care for the taxpayer for such year (within the meaning of section 162(l)) divided by the difference between—

“(i) 365, and

“(ii) the number of days the taxpayer participates in qualified reserve component duty during the taxable year, including time spent in a travel status, and

“(B) the term ‘average daily military pay and allowances’ means—

“(i) the amount paid to the taxpayer during the taxable year as military pay and allowances on account of the taxpayer's participation in qualified reserve component duty, divided by

“(ii) the total number of days the taxpayer participates in qualified reserve component duty, including time spent in travel status.

“(3) QUALIFIED SELF-EMPLOYED TAXPAYER.—The term ‘qualified self-employed taxpayer’ means a taxpayer who—

“(A) has net earnings from self-employment (as defined in section 1402(a)) for the taxable year, and

“(B) is a member of the Ready Reserve of a reserve component of an Armed Force of the United States.

“(d) CREDIT IN ADDITION TO DEDUCTION.—The employment credit or the self-employment credit provided in this section is in addition to any deduction otherwise allowable with respect to compensation actually paid to a qualified employee, qualified replacement employee, or qualified self-employed taxpayer during any period the qualified employee or qualified self-employed taxpayer participates in qualified reserve component duty to the exclusion of normal employment duties.

“(e) COORDINATION WITH OTHER CREDITS.—The amount of credit otherwise allowable under sections 51(a) and 1396(a) with respect to any employee shall be reduced by the credit allowed by this section with respect to such employee.

“(f) LIMITATIONS.—

“(1) APPLICATION WITH OTHER CREDITS.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess (if any) of—

“(A) the regular tax for the taxable year reduced by the sum of the credits allowable under subpart A and sections 27, 29, and 30, over

“(B) the tentative minimum tax for the taxable year.

“(2) DISALLOWANCE FOR FAILURE TO COMPLY WITH EMPLOYMENT OR REEMPLOYMENT RIGHTS OF MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES OF THE UNITED STATES.—No credit shall be allowed under subsection (a) to a taxpayer for—

“(A) any taxable year, beginning after the date of the enactment of this section, in which the taxpayer is under a final order, judgment, or other process issued or required by a district court of the United States under section 4323 of title 38 of the United States Code with respect to a violation of chapter 43 of such title, and

“(B) the 2 succeeding taxable years.

“(3) DISALLOWANCE WITH RESPECT TO PERSONS ORDERED TO ACTIVE DUTY FOR TRAINING.—No credit shall be allowed under sub-

section (a) to a taxpayer with respect to any period by taking into account any person who is called or ordered to active duty for any of the following types of duty:

“(A) Active duty for training under any provision of title 10, United States Code.

“(B) Training at encampments, maneuvers, outdoor target practice, or other exercises under chapter 5 of title 32, United States Code.

“(C) Full-time National Guard duty, as defined in section 101(d)(5) of title 10, United States Code.

“(g) GENERAL DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

“(1) SMALL BUSINESS EMPLOYER.—

“(A) IN GENERAL.—The term ‘small business employer’ means, with respect to any taxable year, any employer who employed an average of 50 or fewer employees on business days during such taxable year.

“(B) CONTROLLED GROUPS.—For purposes of subparagraph (A), all persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as a single employer.

“(2) MILITARY PAY AND ALLOWANCES.—The term ‘military pay’ means pay as that term is defined in section 101(21) of title 37, United States Code, and the term ‘allowances’ means the allowances payable to a member of the Armed Forces of the United States under chapter 7 of that title.

“(3) QUALIFIED RESERVE COMPONENT DUTY.—The term ‘qualified reserve component duty’ includes only active duty performed, as designated in the reservist's military orders, in support of a contingency operation as defined in section 101(a)(13) of title 10, United States Code.

“(4) SPECIAL RULE FOR CERTAIN MANUFACTURERS.—

“(A) IN GENERAL.—In the case of any qualified manufacturer, paragraph (1)(A) of this subsection shall be applied by substituting ‘100’ for ‘50’.

“(B) QUALIFIED MANUFACTURER.—For purposes of this paragraph, the term ‘qualified manufacturer’ means any person if—

“(i) the primary business of such person is classified in sector 31, 32, or 33 of the North American Industrial Classification System, and

“(ii) all of such person's facilities which are used for production in such business are located in the United States.

“(5) CARRYBACK AND CARRYFORWARD ALLOWED.—

“(A) IN GENERAL.—If the credit allowable under subsection (a) for a taxable year exceeds the amount of the limitation under subsection (f)(1) for such taxable year (in this paragraph referred to as the ‘unused credit year’), such excess shall be a credit carryback to each of the 3 taxable years preceding the unused credit year and a credit carryforward to each of the 20 taxable years following the unused credit year.

“(B) RULES.—Rules similar to the rules of section 39 shall apply with respect to the credit carryback and credit carryforward under subparagraph (A).

“(6) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (c), (d), and (e) of section 52 shall apply.”.

(b) CONFORMING AMENDMENT.—Section 55(c)(2) of the Internal Revenue Code of 1986 is amended by inserting “30B(f)(1),” after “30(b)(3).”.

(c) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end of 30A the following new item:

“Sec. 30B. Employer wage credit for activated military reservists.”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 706. EMPLOYER CONTRIBUTIONS TO IRAS OF CERTAIN MEMBERS OF THE UNIFORMED SERVICES.

(a) **IN GENERAL.**—Section 3121 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“(z) **EMPLOYER CONTRIBUTIONS TO IRAS OF CERTAIN MEMBERS OF THE UNIFORMED SERVICES.**—Nothing in any paragraph of subsection (a) (other than paragraphs (1) and (5)) shall exclude from the term ‘wages’ any employer payment on behalf of an individual to an individual retirement plan if such payment is made by the employer to such plan with respect to any period during which the individual is performing service in the uniformed services while on active duty for a period of more than 30 days.”.

(b) **RAILROAD RETIREMENT.**—Subsection (e) of Section 3231 of such Code is amended by adding at the end the following new paragraph:

“(1) **EMPLOYER CONTRIBUTIONS TO IRAS OF CERTAIN MEMBERS OF THE UNIFORMED SERVICES.**—Nothing in any paragraph of this subsection (other than paragraph (2)) shall exclude from the term ‘compensation’ any amount described in section 3121(z).”.

(c) **FEDERAL UNEMPLOYMENT TAX.**—Section 3306 of such Code is amended by adding at the end the following:

“(u) **EMPLOYER CONTRIBUTIONS TO IRAS OF CERTAIN MEMBERS OF THE UNIFORMED SERVICES.**—Nothing in any paragraph of subsection (b) (other than paragraphs (1) and (5)) shall exclude from the term ‘wages’ any employer payment on behalf of an individual to an individual retirement plan if such payment is made by the employer to such plan with respect to any period during which the

individual is performing service in the uniformed services while on active duty for a period of more than 30 days.”.

(d) **WITHHOLDING.**—Section 3401(a) of such Code is amended by adding at the end the following new subsection:

“(u) **EMPLOYER CONTRIBUTIONS TO IRAS OF CERTAIN MEMBERS OF THE UNIFORMED SERVICES.**—Nothing in any paragraph of subsection (a) (other than paragraph (12)) shall exclude from the term ‘wages’ any amount described in section 3121(z).”.

(e) **EFFECTIVE DATE.**—The amendments made by this section shall apply to amounts paid after December 31, 2004.

SEC. 707. EMERGENCY DESIGNATION.

Amounts provided pursuant to the amendments made by this title are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).